

Also, memorial of Steel and Copperplate Engravers' League of Philadelphia, favoring the Carlin bill, House bill 9820; to the Committee on the Judiciary.

By Mr. NOLAN: Resolutions of the county board of directors, Ancient Order of Hibernians in America, of San Francisco, Cal., protesting against the treatment accorded the Irish revolutionary leaders by the British Government; to the Committee on Foreign Affairs.

By Mr. O'SHAUNESSY: Memorial of General Federation of Women's Clubs of Pittsburgh, Pa., favoring the passage of the Kern-McGillicuddy bill; to the Committee on the Judiciary.

Also, memorial of Walcott Manufacturing Co., of Providence, R. I., opposing the Tavenner amendment to the fortifications bill; to the Committee on Appropriations.

By Mr. SNYDER: Memorial of Chamber of Commerce of Rome, N. Y., against Tavenner amendment to the fortifications bill; to the Committee on Appropriations.

By Mr. STINESS: Petition of United States Bobbin & Shuttle Co., of Providence, R. I., against the so-called Tavenner amendment to the fortifications bill; to the Committee on Appropriations.

Also, petition of Wolcott Manufacturing Co., of Providence, R. I., against the so-called Tavenner amendment to the fortifications bill; to the Committee on Appropriations.

By Mr. TAYLOR of Colorado: Petition of citizens of Colona, Colo., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. TINKHAM: Petition of sundry citizens of the United States, in reference to foreign interference with Red Cross supplies; to the Committee on Foreign Affairs.

By Mr. YOUNG of North Dakota: Petitions of Christian Kienle and 52 others, of Lehr; S. W. Menzle and 20 others, of Woodworth; and D. S. Beitz and others, of Bowdon, all in the State of North Dakota, against bill for Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

Also, petitions of Al. Jorges and 21 others, of Woodworth; C. D. Hein and 50 others, of Lehr; and J. A. Roth and 24 others, of Bowdon, all in the State of North Dakota, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

## SENATE.

WEDNESDAY, June 21, 1916.

(Legislative day of Tuesday, June 20, 1916.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

### DAUPHIN ISLAND RAILWAY & HARBOR CO.

Mr. UNDERWOOD. Mr. President, I desire to ask unanimous consent that the Vice President may lay before the Senate the amendments of the House of Representatives to Senate bill 4476, a bridge bill, and that the Senate may concur in the amendments. It only changes the bill as it passed the Senate by limiting the time to two and a half years, the Senate having extended it five years.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4476) to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, as amended by an act approved June 18, 1912, which were to strike out all after "he enacting clause and insert: "That the time for the commencement and completion of the bridge or bridges authorized by the act entitled 'An act to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands,' approved June 18, 1912, is hereby extended to two years and four years, respectively, from and after the 18th day of September, 1916," and to amend the title so as to read: "An act extending the time for the commencement and completion of the bridge or bridges authorized by an act entitled 'An act to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or

bridges or viaducts across the water between the mainland at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands,' approved June 18, 1912."

The VICE PRESIDENT. The Senator from Alabama moves that the Senate concur in the House amendments.

The motion was agreed to.

### CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Norris	Smith, Ga.
Bankhead	Hollis	Oliver	Smith, Md.
Borah	Husting	Overman	Smoot
Brandeggee	James	Page	Sterling
Bryan	Johnson, Me.	Phelan	Thomas
Chamberlain	Johnson, S. Dak.	Pittman	Tillman
Clapp	Jones	Polindexter	Townsend
Clark, Wyo.	Kern	Pomerene	Underwood
Culberson	Lane	Ransdell	Vardaman
Cummins	Lodge	Saulsbury	Walsh
Curtis	McLean	Shafroth	Warren
Dillingham	Martine, N. J.	Sheppard	Williams
Fletcher	Myers	Sherman	Works
Gallinger	Nelson	Simmons	

Mr. MARTINE of New Jersey. I was requested to announce that the Senator from West Virginia [Mr. CHILTON] is detained from the Senate on important public business.

Mr. CUMMINS. My colleague [Mr. KENYON] is detained at home by the serious illness of his mother. I desire that this announcement shall stand throughout the day.

Mr. KERN. I wish to announce the unavoidable absence of my colleague [Mr. TAGGART]. This announcement may stand for the day.

Mr. ASHURST. I rise to announce that my colleague [Mr. SMITH of Arizona] is unavoidably detained by reason of illness in his family.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

### NAVAL MANAGEMENT AND DISCIPLINE.

Mr. THOMAS. Mr. President, on March 5, 1913, the Navy Department was given over to the supervision of Secretary Daniels. For 16 years it had been directed by Republican administrations. One of these embraced nearly half that period. At its head was Theodore Roosevelt, whose genius and capacity for the efficient and unflagging exercise of Executive authority, both in and out of office, is asserted by himself and admitted by his friends to be unequalled and unsurpassed anywhere in any age. During these 16 years over \$1,500,000,000 was appropriated for and expended upon the Navy. Excepting Great Britain, this sum was greater than that expended in the same interval for the same purpose by any other nation. During that period, also, those in charge of public affairs were fairly well satisfied both with the size and efficiency of the fleet and entirely so with their management and administration of the Naval Department. In demonstration of this, Mr. Roosevelt, with characteristic audacity, assembled our battleships and sent them on a wild-goose chase around the world in 1908, at an expense of a few trifling millions, and felicitated himself upon devising a happy expedient for impressing the nations of the world with our invincible strength at sea and at the same time with a due and appropriate sense of his own capacious resourcefulness. It was assumed, perhaps with some temerity, but with a fair degree of confidence in the integrity of official assurances, that whatever weaknesses or deficiencies existed in other departments of the Government, the Navy was well manned, well managed, and second in rank with the navies of other nations when President Taft made way for his successor. This pleasant conviction remained with us constant and almost unchallenged until the outbreak of war in Europe. It was then rudely disturbed and denounced largely, if not wholly, by those who had captured our confidence and who were solely responsible for naval and Army conditions. They revealed to the public that our Navy was weak, inefficient, undermanned, obsolete, disorganized, badly officered, unbalanced, and fit only for the scrap heap; that our coasts were therefore defenseless, our cities exposed to the ravages of war, and our wealth to the mercy of any national buccaneer whose animosity or cupidity might suggest their exploitation.

And for these horrible conditions the present Secretary of the Navy was charged with the responsibility. He was said to lack experience, common sense, patriotism, serious purpose, initiative, and organizing capacity; that he knew nothing and refused to

learn anything; that he was a faddist, cursed with absurd and Puritanical theories, insistent upon trying them on the Navy, and unmindful of the counsel or the wishes of the old and experienced authorities under whose far-seeing and benignant supervision the fleet had been improvised. Because of him our ships were underofficered and undermanned, our stores of ammunition inadequate, and our guns inferior to those of other nations. Because of him our submarines could not dive nor our torpedo-boat destroyers navigate. Because of him our dreadnaughts were obsolete and our shipyards dilatory in building more. Because of him we were forced to regard the product of our former vast naval appropriations fit only for the discard, and the marine forces inefficient, untrained, and demoralized. Because of him America, though building and constructing for 30 years, had neither Navy nor naval program. So malign and baleful, indeed, had been the conduct of this man since his recent assumption of naval authority that the skeleton of a fleet, which his predecessors had evolved through a long and dreary process of public expenditure, was falling to pieces, and, Switzerland excepted, we were less prepared on sea than the people of any other country. Should England conclude to suspend her blockade of German ports for a brief period and direct her energies on sea to the destruction of our wealthy but helpless coast communities; or should the Kaiser's fleet break through the British cordon of floating steel and postpone its offensive against Great Britain, until it had filled its coffers with New York gold; or should France, or Austria, or Russia, or even Italy create a diversion by sudden descent upon our inviting and unprotected shores, nothing, not even the God of battles, could save our hapless land from the invader's legions. Or if Japan, having captured the German garrison at Tientsin and imposed her terms on China, should suddenly swoop down upon San Francisco with half a dozen ships she could easily invest and occupy the city and use it as a base for inland conquest. That she has not done so is due wholly to her pacific disposition, a state of mind easily subject to change, if not to transformation. For all of this, according to these critics, the Secretary of the Navy is responsible, and Providence only stands between us and destruction.

To heighten the public apprehension and with it the public resentment toward this recreant official, appeals have been made to its ears and eyes by conventions, pamphlets, press announcements, and moving pictures. The Battle Cry of Peace, traveling the country's length and breadth, witnessed by fear-stricken millions, staged and advertised without regard to expense, had brought his iniquities home to every community. These have seen with their own eyes to what his shortcomings have exposed his countrymen. It pictures the landing of the barbarian, the sacking of our cities, and the pillage of our bankers, trust magnates, oil princes, exchange brokers, munitions makers, and other defenseless but deserving people. The lesson of this terrible vision has been driven home by Aviation Leagues, National Defense Leagues, American Defense Leagues, National Security Leagues, Navy Leagues, Army Leagues, Patriotic Sons' Leagues, Patriotic Daughters' Leagues, Roosevelt Leagues, and preparedness processions. One league convention scarce adjourns before another league rings up the curtain, all thundering the one chorus, "Our coast defenses are worthless; our Navy is obsolete, demoralized, and inefficient; our shores unprotected; our wealth insecure; and our people helpless. Let Daniels be anathema."

Mr. President, I have read with some interest and more curiosity the newspaper accounts of the convention proceedings of these multitudinous leagues. Many of these doubtless mean well, but it is more than a coincidence that nearly all of them were spawned with the early munitions contracts of the allies and have expanded pari passu with the expansion of munitions manufactories.

Their proceedings vary chiefly in the names of their speakers and of the hotels or halls where they talk with raucous monotony to their congregated members, none of whom show any keenness for putting their principles into action by enlisting in this much-needed army of which they talk so glibly. They denounce our criminally defenseless condition; they censure the existing administration for that condition. They demand the immediate organization of a huge standing army and the building of a huger navy. They assert our present Navy to be no Navy at all, and inferior to those of all other first-class powers. The hysterical ones encourage and applaud the complaints and criticisms of every man, particularly every naval man, out of touch with the Secretary of the Navy, and hiss the name of Daniels whenever it is uttered.

A former Secretary of the Navy, the erstwhile petted and complacent darling of the old naval régime, has not hesitated, if he tells the truth, to advertise his own deplorable incompetency by libeling the character of the fleet and win ap-

plause by impudently shifting the alleged consequences of his own chronic ineptitude upon the shoulders of his successor.

"Preparedness" magazines, newspapers, and pamphleteers have taken up and prolonged this chorus of Mr. Daniels's vilification. Some of these have descended to the levels of epithet and of diatribe.

An ex-President of the United States, the only public man of his generation who is at all times righteous, honest, truthful, capable, courageous, candid, consistent, invincible, and honorable has pronounced his fulminate upon this unpardonable official sinner, thus completing the circle of the denunciation.

Mr. President, among the critics of the Secretary is one Henry Reuterdaahl, who, in 1908, on the occasion of the circumnavigation of the globe by our fleet, wrote a series of articles in criticism of our Navy, and particularly designed to exhibit the insufficiency and unscientific methods of the construction of our battleships. The result was the holding of an inquiry by the Senate Committee on Naval Affairs and a second investigation of the charges which this gentleman made. At that time, when Rear Admiral Converse appeared before the committee, this sentiment was summed up by Senator MARTIN thus:

It appears to me that if a first-class deserted island can be found in the Pacific orders should be sent to Admiral Evans to dump Reuterdaahl onto it. Such action would go far toward avoiding a repetition of such affairs.

Just before adjournment Senator Perkins said to the naval officers:

We ought to apologize to you for calling upon you to refute such an article as this.

That's true—

Said Senator Hale—

but it's written in such a vein that a layman could not understand how absurd the charges are. It attracted the attention of the whole country, and we had to investigate.

Mr. President, if a tithe of the sins of commission or of omission with which Secretary Daniels has been charged during the last 12 months were true, he should be relieved of his great office, and no man should lift his voice in protest. If a tithe be true, his detractors might find partial justification for their conduct. If a tithe be true, the administration should be disciplined because responsible for him. It is not true; and I firmly believe that no one knows this better than the great majority of his detractors. Indeed, I might go further and assert that the campaign of slander and misrepresentation waged and waged against this upright and courageous Cabinet officer has been largely inspired by men in and out of the Navy who can not use him and who are therefore determined, if they can, to force his removal or to crush him.

He is an obstacle to the material, the farseeing, the profit-making side of "preparedness," and since he will not bend or step aside he must be broken or run over. The pack has been unleashed, and Tray, Blanche, and Sweetheart in full cry are baying at his heels.

What has the Secretary done, or omitted doing, that has started this avalanche of denunciation? His duty; that is all. And he has done it quietly, modestly, and effectively. He has also done it courageously. He has been undaunted by the voices of the mighty, the power of cabals, the tinsel of epauletted aristocracy, or the self-interest of Navy contractors. And he goes upon his course undismayed and unshaken by the obloquy of the disappointed.

The changes and reforms introduced into the Navy Department by Mr. Daniels which have chiefly given offense are:

1. Enforcement of the law requiring competitive bidding by armor-plate manufacturers for armor-plate contracts.
2. The abolition of Mr. Meyer's aids to the Secretary and the substitution of a Chief of Naval Operations.
3. Extending to the officers' mess room Secretary Long's order of 1899, prohibiting on board ship the use of alcoholic liquors by sailors and seamen.
4. The establishment of naval schools on the ships, in addition to those on shore, for the technical education of enlisted men, and making them eligible to promotions.
5. His advocacy of Government-owned armor-plate and munition plants.

Other policies have been inaugurated in the department not at all congenial to the conservatism of the past. These, however, I shall not discuss.

First. Prior to this administration, bidding on armor plate for the Navy was farcical. A representative of each of the three plate manufacturers would come to Washington at the appointed times, register at the same hotel, dine together, hold a conference, and then send bids to the Secretary in identical amounts for the same contract. The complacent predecessors of Secretary Daniels would receive and accept these bids and

assign the contracts to one of them, nominally perhaps, but to all of them in reality. Of course such bidding violated the spirit of the law, was in no sense competitive, and wholly to the disadvantage of the Government. But it was part of the price paid by previous administrations for the political support of these manufacturers.

In April, 1913, Senator ASHURST denounced this practice on the floor of the Senate and demanded its investigation. Secretary Daniels, apprised of its nature, properly and promptly terminated it. Since then bids for armor plate have been the good old-fashioned ones, and the lowest responsible bidder has secured the contracts.

When we learn that the Secretary's requirements have effected a saving to the Government thus far of \$1,110,084 on armor-plate purchases and a further saving of many millions more on contracts for the immediate future, we can measure in some degree the dimensions of armor-plate animosities which this policy has aroused. And when to this is added the millions he has saved through Government manufacture of smokeless powder and the \$1,077,200 he has cut from a single bid for projectiles, we can also appreciate the depth of resentment he has aroused in other directions.

Those who would return to the good old days, when the bidders and contractors had their own way, when Secretaries of the Navy performed their duties perfunctorily or vicariously, when they were but receivers and transmitters for their aids, can see no merit in these changed conditions; but those who appreciate thoroughness and integrity in public affairs, economy of administration, and strict enforcement of the law will give to the quiet and imperturbable gentleman now directing the affairs of the Navy Department the reward of their unqualified approbation.

Second, Mr. Daniels's immediate predecessor appointed four aids to the Secretary. These aids—for operation, personnel, matériel, and inspection—formed a sort of cabal or cabinet, which ruled the Navy. Mr. Thomas P. Ivy, an intelligent and valued citizen of New Hampshire, thus describes the operations of this quartet:

The Secretary knew nothing of the Navy except what this small cabinet permitted him to know, and no officer in the Navy, however meritorious he might be, who was out of favor of this cabinet clique, had full and free opportunity to make use of his ability in the service of the Government and the people. Such a cabinet of aids was a distinct disadvantage to the Navy, because its ideals were undemocratic, tending to crush out every particle of individuality in the Navy and to create a pliant and wholly subservient machine. Looking forward to this consummation, this cabinet of aids mapped out a plan in which they assigned every officer's place and promotion as far ahead as the year 1925. The book in which this program is plotted I have seen myself, and know the statement is based upon an undeniable fact. In this scheme of promotions, this cabinet of aids first of all provided for their friends, giving them the most desirable positions in the Navy, without that strict regard for professional capacity and qualification without which no navy can be efficient. When Mr. Daniels became Secretary, this clique set about to take him over to their views and to use him as a mere tool for carrying out their plans, as they had done with Mr. Meyer. Mr. Daniels not only refused the overtures of this clique, but found himself compelled to get rid of it and put himself in direct touch with the heads of the bureaus of the Navy, under men who knew what the Navy needs and what ought to be done.

Congress had refused to legalize this council of aids which Mr. Daniels very properly describes as a fifth wheel in organization. He suggested that Congress follow the recommendations of the Moody Board, which it did, and authorized the appointment of a Chief of Naval Operations. To this place Admiral Benson was appointed. This admirable and efficient officer has thoroughly organized the varied operations of the Naval Department. The bureaus are under his immediate supervision, the bureau chiefs are his aids, and the Navy is in better condition than ever before.

Mr. Daniels, in effectuating this needed change, made no rash incursion into untried fields of experiment. He had behind him the sound judgment and ripe experience of men old in the service. I need perhaps only quote Admiral Melville, who said:

I have always been a consistent supporter of the bureau system, which, I earnestly believe, under a civilian Secretary and Assistant Secretary of the Navy and its expert bureau chiefs, is the only mode of successfully conducting the business of the Navy Department of a Republic.

But one who rudely disturbs an evil like this, who deprives a cabal of its power by displacing its members and abolishing the system, must expect trouble, and plenty of it. Men do not yield their views, much less their places, with resignation. Their anger is aroused not only, but their malice as well. These find circulation in slander, innuendo, and falsehood, beneath which the real cause of commotion may be concealed or forgotten by an inconsiderate or careless public. I quote again from Mr. Ivy:

To the fact that he dismissed this clique, who controlled Mr. Meyer, and reestablished a modified bureau system of direct contact

with the bureau heads of the Navy is due the attacks that are made on Secretary Daniels's administration of the Navy Department. One of the officers in the Navy who has been the most persistent in criticizing Secretary Daniels can not himself be said to be free from imperfection, for the late Admiral Robley D. Evans, whenever he saw this officer coming toward him, was wont to exclaim, "Please somebody protect me from that \* \* \*." Almost before he entered his private office the option was offered him of becoming a parrot, as Mr. Meyer had been, and saying only what he was told to say, or of meeting opposition and abuse from this clique and their friends if he attempted to assert his rights as civilian head of the Navy. History, that works out all truths in time, will give to Secretary Daniels full credit for choosing rather to do his duty toward the Navy itself and the Government and people, for whose service the Navy was created.

I have little doubt that Mr. Daniels's predecessor, who has been most prominent in making these attacks, is the willing mouthpiece of the cabal whose members, under the shelter of his office, controlled our naval affairs. He coolly asserted last January, according to the New York Sun, that there were no brains in the Navy now. Yet his are the only brains which have been separated from the department since he left it. Fortunately common sense and common honesty are there, a combination sometimes superior to brains bereft of either.

I read, Mr. President, a list of the heads of bureaus in the Navy Department, commencing with Admiral George Dewey:

Admiral of the Navy George Dewey, honored with this exceptional rank for life and given the thanks of Congress for his victory in Manila Bay, has been head of the General Board since its organization in 1903. Associated with him are some very able naval officers. Rear Admiral A. M. Knight has actually made the War College during this administration what its name implies, by the aid of Secretary Daniels's hearty cooperation, increased its faculty from 7 officers under Mr. Meyer and 5 students to 9 officers and 32 officer-students, while 400 officers are taking correspondence courses in strategy. Rear Admiral Badger was commander in chief of the Atlantic Fleet, and made the remarkable get-away from Hampton Roads to Vera Cruz within 36 hours of receiving his orders to sail. So valuable were his services that he was continued on the board for a year after his retirement. Rear Admiral W. S. Benson, first Chief of Naval Operations, has made this office in the year of his incumbency the equal of any European general staff, and has seen the Navy better organized and prepared than ever before in its history. Maj. Gen. George Barnett, commandant of the Marine Corps, has been a leader in training his corps in advance-base work. Other officers of the General Board of recognized ability are Capts. H. S. Knapp; W. L. Rogers; J. H. Oliver, Director of Naval Intelligence; S. S. Wood; C. F. Hughes; and Commander H. J. Ziegemeier, jr.

But George von L. Meyer is gone, and there is left in the Navy "no brain."

Admiral F. F. Fletcher, who handled the difficult and delicate situation at Vera Cruz during the American occupation in 1914 with consummate skill and ability, has recently been detached from the command of the Atlantic Fleet and been ordered to the General Board. He has been succeeded by Vice Admiral Henry T. Mayo, the first American Navy officer to hold the rank of vice admiral. Admiral C. McR. Winslow, of distinguished bravery in the Spanish-American War, commands the Pacific Fleet, and Admiral Albert G. Winterhalter, who was the Secretary of the Navy's remarkably efficient aid for matériel for four years, is commander in chief of the Asiatic Fleet.

But Meyer is gone, and the Navy no longer has any brain!

At the head of the Bureau of Navigation is Rear Admiral Victor Blue, whose daring expeditions in locating Cervera's fleet in Santiago Harbor made his name famous around the world. He penetrated the Spanish gunboat blockade in an armed ship's boat, met Gen. Gomez, and captured two Spanish patrol sloops as he ran out of the harbor.

But Meyer is gone, and the Navy has "no brain."

At the head of the Bureau of Steam Engineering is Rear Admiral Robert S. Griffin, whose service in this position has been signalized by the adoption of the electric drive in the propulsion of battleships and by the perfection of radio communication service.

But Meyer is gone, and the Navy has "no brain."

Rear Admiral Joseph Strauss, Chief of the Bureau of Ordnance, has no peer in any navy as an ordnance expert. He completed the Government powder factory at Indianhead and was in charge of it when the Government made its first powder, and its growth and expansion has been largely due to his brain and zeal.

Yet, since Meyer has been retired to private life by the will of the people, the Navy has no brain.

Rear Admiral David W. Taylor, Chief of the Bureau of Construction and Repair, first honor graduate of Annapolis and post-

graduate with honors from the British College at Greenwich, perfected the center line of fire on battleships and has contributed enormously to the perfection of the design and protection of ships.

But Meyer has gone, and with him all semblance of brain in the Navy.

Rear Admiral Samuel McGowan, as Chief of the Bureau of Supplies and Accounts, has brought this important bureau, which handles enormous funds and has supervision of all supplies, up to the highest degree of efficiency.

But with the passing of Meyer brains have disappeared from the Navy.

Rear Admiral W. C. Braisted, Surgeon General of the Navy, whose report on the medicine and surgery of Japan during the Russo-Japanese war, attracted the favorable attention of the scientific world, has brought the Medical Corps up to a high condition of effectiveness and will see it increase from 347 to 500, with two Hospital Corps training schools established and a new hospital ship authorized and under construction.

Yet Meyer has gone, and the Navy has no brains.

Under Capt. Ridley McLean, Judge Advocate General of the Navy, the entire naval penal system has been improved and naval prisoners tremendously reduced, while the laws of the country as they affect the Navy has been codified in a masterly manner.

But Meyer is gone, and the Navy has lost its brains.

With none to stand between the Secretary and his bureau heads, with merit as the test of promotion, with economy throughout the department, one may well appreciate the unqualified assertion of Admiral Dewey, that Mr. Daniels has given us a Navy which "is not excelled except in size by the fleet of any nation in the world."

I have, Mr. President, a copy of the letter of the admiral in which that quotation is made, bearing date the 14th of May, 1915, and ask to insert it in full at this stage of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered. The letter referred to is as follows:

MAY 14, 1915.

MY DEAR MR. SECRETARY: I trust that you will be good enough to convey to the mayor and citizens of New York City my sincere regret at my inability to be present at the ceremonies incident to the review of the Atlantic Fleet, and my cordial appreciation of the hospitality they have shown in the reception of the officers and men.

On this occasion I recall with the utmost pleasure the magnificent welcome I received in their great city upon my return from Manila on board the *Olympia* in September, 1899, and it is a source of deep satisfaction to know that the interest of our citizens in their great Navy has not diminished in the 16 years that have elapsed since that time.

The people of New York have just cause for pride in the fleet now assembled in their harbor. Not only is it composed of the finest and most efficient warships that we have ever had but it is not excelled in size by the fleet of any nation in the world; our ships and guns are as good as any in the world; our officers are as good as any; and our enlisted men are superior in training, education, physical development, and devotion to duty, to those of any other navy. As president of the General Board for the last 15 years I can say with absolute confidence that the efficiency of the fleet has steadily progressed and has never been so high as it is to-day.

However, we need more ships, more officers, and more men, and should continue the wise policy of increasing the size of our Navy, which must ever remain our first and best line of defense. This defense unless adequate is impotent; and adequacy is not reached until the Navy is strong enough to meet on equal terms the navy of the strongest probable adversary.

Very sincerely, yours,

GEORGE DEWEY.

HON. JOSEPHUS DANIELS,

Secretary of the Navy, Washington, D. C.

Mr. THOMAS. President Wilson, Commander in Chief of the Navy, made this official statement:

I was greatly struck by the appearance of the fleet and the quiet efficiency shown by the officers and men, as I am sure everyone must have been who had the pleasure of seeing it assembled at New York.

There could have been no more interesting verification of Admiral Dewey's statement that the Navy was never in a better and more efficient condition, and that the country has every reason not only to be proud of it, but every reason to wish to go forward in its policy of steadily adding to its strength and equipment.

But the venom which seeks to discredit the Secretary has not confined itself to him alone. It has been directed against his appointees; against Griffin, of the Bureau of Steam Engineering; Strauss, of the Bureau of Ordnance; Taylor, of the Bureau of Construction and Repair; Benson, Chief of the Bureau of Naval Operations; Blue, of the Bureau of Navigation; Wurtzbaugh, the Secretary's most efficient aide. Indeed, calumny would fasten itself upon Admiral Dewey, a loyal supporter of the prevailing naval policy, were its courage at all proportionate to its vindictive animosity.

Third. The prohibition of the use of alcoholic liquors on shipboard by men in the Army and Navy is a subject neither new nor national. It commanded the thoughtful consideration of soldiers, statesmen, and reformers long before the outbreak of

the European war. That war gave signal demonstration of its necessity in the orders of all the great powers engaged in the conflict save Great Britain, where Lloyd George denounced drink as a foe more formidable to the empire than Germany. Lord Charles Beresford had before then protested against the use of liquor in the British Navy, and the German Emperor assured his naval cadets before the war began that "the nation which consumes the least alcohol wins."

Secretary Long in 1890, doubtless actuated by the experiences of the Spanish-American War, issued an order forbidding the sale or issue of liquors to enlisted men on board ship. He was the pioneer of a movement since become general. We may be sure that this order was not humbly received or eagerly enforced; but it nevertheless became effective, and, as it was confined to the enlisted men, the officers were not affected by it.

Yet every reason requiring such an order for enlisted men applies with added force to their superiors, upon whom rests all the responsibility for both men and ships. If the man in the ranks should at all times possess a clear mind and a sound body, his commander should be no whit behind him. If the use of alcohol deprives the enlisted man of these essentials or tends to undermine or weaken them, the same is true of the midshipman, the lieutenant, the captain, and the admiral. Hence 14 years should not have intervened between the issuance of the order of 1890 regarding the rank and file and its extension to all the officers of the line. It would be strange, indeed, if during this period the enlisted man should not have challenged the justice of an order, which, denying him the privilege of drink, should exempt his commander from its operation. Nothing more weakens the morale of an army or navy than a sense of injustice. I dare affirm that the percentage of offenses and desertions by embittered men would decline rapidly toward zero if discriminations between men and officers, such as the Long order established, were systematically avoided.

Acting upon the official recommendation of the Surgeon General of the Navy, Mr. Daniels extended Secretary Long's order to officers, much to the amazement and disgust of many of them. The notion that the convivialities of an officer and a gentleman should be prohibited because the good of the service required it was preposterous. Because a seaman should lead an abstemious life was no sort of reason that his commander should do so. Indeed the social demands of his more lofty position required him to maintain and patronize his own stock of liquors. Hence to many the order was absurd, ridiculous, outrageous, humiliating, and unbearable. What would be thought of a naval officer on duty who could not drink when he pleased? What would foreign naval officers say of such a monstrous regulation? Would they not make merry over the silly and contemptible requirement? Indeed it was a dangerous rule, for did not a certain admiral, warmly welcomed nowadays whenever a defense league meets to shriek "preparedness" and to damn the Secretary, warn Mr. Daniels that the order, if enforced, might substitute opium and cocaine for whisky in the officers' mess rooms? According to his view, these gentlemen must have stimulant, and if the usual one were denied others more deadly and sinister might be substituted. But the Secretary was firm and the order stands.

It not only stands, but it was the forerunner of similar orders in nearly every navy of the world. It has made our officers and our men amenable to the same requirement affecting their health and their efficiency. It has given the man on the decks a strong assurance of the equity and justice which this administration practices in naval discipline. But it has opened the floodgates of ridicule, of abuse, and of lampoon upon the devoted head of Mr. Daniels. But for this order his other breaches of naval proprieties might have been condoned. Promotions, demotions, reorganizations, disorganizations, schools for enlisted men, disregard of advisory manuscripts, carefully composed and as carefully filed away, all these might have been borne had the cocktail been spared. But the iconoclast whose ruthless hand dashed the champagne glass upon the deck and banished the gin rickey from the mess room forever is a creature too odious to have been born of woman. Therefore away with him!

But the sober common sense of the people has long since recognized not only the justice but the practical need of this celebrated order. The average man has laughed good humoredly at the diatribes and cartoons which magazine and newspaper have leveled at the Secretary; but the aim of the order he has admired and approved, as also the wisdom in announcing and the courage in enforcing it. He knows that water for the officer's mess room is quite as essential to the good of the Navy as water for the deckman; that a sober soldier needs a sober commander, and that without such assurance the soldier's abstinence may prove profitless. And he knows, too, that the application of the same rule to all squares with the soldier's se-

of justice and reconciles him to a self-denial which were otherwise quickened by a sense of wrong. The seaman has responded to this situation by enlisting to the maximum of our naval strength for the first time and by reenlisting in larger and ever-increasing proportion. And the officers are yielding with less and less reluctance to the requirements of the order. A distinguished admiral, who first opposed it, now says it is the best thing the Secretary ever did. Since the outbreak of the world war many of them have doubtless inwardly acknowledged its value. Nor have they turned for stimulant either to opium or to cocaine. That unworthy suggestion was promptly spurned by every man in whose interests it was presumably made. And who is there so bold as to declare that Mr. Daniels's successor, be he Democrat or Republican, will dare to set this order aside?

Such a one would call upon the mountains to hide him from the indignant wrath of an aroused nation ere the ink had dried upon his signature to the order of reversal. The new régime has come to stay, and in due season the honor for it will also come to the quiet but determined man who ordained it.

Fourth. In addition to those at the naval stations, the Secretary has established schools on board ships, in order to give all enlisted men desiring to avail themselves of the opportunity thus afforded to acquire technical knowledge, making them eligible for promotions to higher positions. He has since determined to supplement these with summer schools on board ships, modeled after the Army encampment at Plattsburg. This innovation has been nearly as exasperating to his critics and detractors as that which drove liquors from the mess rooms. The preposterous notion that an enlisted man can or should be anything else, so contrary to the old-established order of things, was "monstrous," even in theory. It could not be otherwise than destructive and damnable in practice. It would break down the walls of official caste, close the chasm between the deck and the officers' bridge, and utterly demoralize the service. Moreover, officers were not trained and commissioned for pedagogy. They should not be required to teach their underlings; the very thought was degrading.

But the Secretary could not be deterred from this most praiseworthy purpose. Despite sneers and detractions he has held steadily to his course. He states the proposition more aptly than I can in a recent interview from which I quote:

They charge that the Navy is going downhill, that enlisted men hate the service, and that my brand of democratization has spelled the demoralization of the service. What is my brand of democratization? I have established schools on board ship, attempting to let every enlisted man have an opportunity for academic and technical education, and I have opened certain doors of promotion to these men. What demoralization has resulted? When I took office only 52 per cent of the men discharged in good standing were reenlisting, while to-day the percentage is 85 per cent. I found a Navy 5,000 short of the number allowed by law. In my three years 6,365 men have been added. There was an average of 1,800 men in prison, while to-day there are less than 700, permitting us to restore two prison ships and two disciplinary barracks to normal uses. During the Taft administration there were over 10,000 desertions. A decrease of over 17 per cent has been achieved already, and every day sees the number lessening. Do these figures indicate discontent, hatred of the service, and destroyed discipline? I stand by my schools and, if necessary, I am willing to fall with them. No man believes more firmly in discipline than I do; never in spoken speech or written have I questioned the absolute necessity in all military service of instant and implicit obedience to a superior. I will have no mercy on insolence or insubordination, be it from seaman to his petty officer or junior lieutenant to his captain, but I do not hold that discipline is dependent upon ignorance or the denial of an American's right to rise as high as his ability will carry him. Time and again it has been declared to me that education does not better fit a man for deck washing or coal heaving, and the contemptuous snobbery of it has never failed to offend. If 85 per cent of discharged men are reenlisting, and if more than 6,000 men that the Navy called for in vain until 1912 have entered the Navy, may it not be that the cause is to be found in a policy that holds out the bright prospects of education and advancement? If sensitive feelings are being hurt by simple recognition of plain Democratic principles, it is a matter for their shame, not mine.

Mr. President, what American putting aside partisanship will challenge the sentiments I have just quoted? What lover of Republican principles will dare affirm their unsoundness? What seaman of the American Navy has repudiated or belittled the Secretary's plans for his well being? On the 13th of last April I accompanied the Senator from Illinois [Mr. LEWIS] to Philadelphia. Upon the train were a splendid young fellow and his wife whom the Senator engaged in conversation. It was disclosed that he was in the naval service; a gunner, off on vacation, and bound with his wife for their little home. The Senator mentioned the name of the Secretary to them and their eyes shone with the light of a new joy. "There," said the young man, "is a Secretary for you—a Secretary of the whole Navy including the boys on the deck and the men at the guns. He is the best we ever had. He wants to give a show to every man under him. We have schools to educate us and enable us to stand for promotion. And he says drink is not any better for officers than for men, so he takes it away from both. And what is more, he sees us when he comes on board ship, and

speaks to us, too. And he talks to us about our jobs and takes a human interest in us. They can talk all they please about him in the cabin, but you can rest assured he is all right on the decks and in the quarters." This tells the story.

Mr. President, the innovation, if I may so term it, which the Secretary has made in this matter of education has borne fruit. It finds its counterpart in a section of our military law and in the Japanese Navy. It is an interesting historical circumstance that in 1866 Gen. Lew Wallace, of Indiana, addressed a letter upon this subject to the Committee on Military Affairs—a letter which attracted the attention of Senator Sumner, who took occasion to commend it to the consideration of Congress on the 11th day of April, 1866. I ask to include as a part of my remarks the letter of Gen. Wallace and the remarks of Senator Sumner upon the subject and to insert them at this place in the RECORD.

THE VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

The Navy's school system has been criticized in some quarters as extraneous to and out of place in a great military organization, but it has admittedly helped to attract young men to the service. The papers have contained accounts of such schools established in the German army camps in Europe. That that criticism of the Navy's school system is prejudiced and partisan is evident from the fact that Secretary of War Baker has secured the insertion of the following section, providing for instruction in the Army, in the pending Army bill:

"In addition to military training, soldiers while in the active service shall hereafter be given the opportunity to study and receive instruction upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations. Civilian teachers may be employed to aid the Army officers in giving such instruction, and part of this instruction may consist of vocational education, either in agriculture or the mechanic arts. The Secretary of War, with the approval of the President, shall prescribe rules and regulations for conducting the instruction herein provided for, and the Secretary of War shall have the power at all times to suspend, increase, or decrease the amount of such instruction offered as may in his judgment be consistent with the requirements of military instruction and service of the soldiers."

The Japanese Navy has an elaborate system of instruction aboard ship and at stations for officers and men. The men, among other subjects, are taught "the common sciences," and the following course of "primary instruction: Reading, composition, arithmetic, calculations with the abacus, manner of making the autograph. English vocabulary." The chiefs of the different divisions are directed to "carefully supervise the chiefs of instruction and endeavor to secure the greatest advantage from it."

The education of the soldiers of the Federal Army during the War between the States was a matter close to the heart of able statesmen and brave officers in the field. The present administration of the Navy, in establishing its effective school system is most assuredly vindicated in the effort made by Senator Charles Sumner, of Massachusetts, and Maj. Gen. Lew Wallace in seeking to establish a thorough school system in the Army, looking forward to the equipping of the soldiers for their duties as citizens when the war should be ended. The following is an extract from the Congressional Globe of April 11, 1866 (39th Cong., 1st sess., p. 1877):

#### EDUCATION OF SOLDIERS.

MR. SUMNER. I send a resolution to the Chair, and ask for its adoption now:

"Resolved, That the Committee on Military Affairs and the Militia be instructed to consider the expediency of providing a system of education for the soldiers in the Army of the United States, so that the time not occupied in post or garrison duties may be employed in moral and intellectual improvement, to the end that the Army may be a nursery of officers, and also of citizens."

There being no objection, the Senate proceeded to consider the resolution.

MR. SUMNER. Before the vote is taken I wish to say that my attention has been called to this question by a letter which I saw in the papers this morning from Gen. Lew Wallace, addressed to Hon. John A. Bingham, of the other House. It seems to me that this letter contains some important and practical suggestions, if they can be carried out. I think they must elevate the character of our Army and give to it truly the character of citizen soldiers. I was so much struck with them as I read the letter this morning that I have drawn up this resolution that I might bring the subject in the most formal way before the Committee on Military Affairs of this body.

The resolution was agreed to.

The Daily Morning Chronicle, Washington, of Wednesday, April 11, 1866, contained the following:

"Maj. Gen. Lew Wallace has addressed the following letter on the reorganization of the Army to Judge Bingham. It will be found to contain many suggestions of great importance:

"WASHINGTON CITY, March 21, 1866.

"DEAR SIR:

"To extend the system at West Point to the whole Army.

"That system has three grand features: First, support of the cadet; second, education; third, graduation as officers of the Army. As to the first feature the Government already supports the soldier; there need be no additional cost on that account.

"As to the second feature, the point is simply, can the hours of service of a private soldier be so divided as to give him time for study and meditation without interfering with his routine of duty? Certainly, except when he is on the march. In post or garrison—his home in time of peace—duty seldom absorbs more than one-third of his hours not devoted to sleep. Hence the proverbial idleness of the military life. My opinion is that the division of the cadet's time, with trifling modifications, is a complete illustration of what ought to be the divisions of time in the Army. It is not more difficult to study and play the soldier than to study and perform a soldier's duty in fact. For those of your committee not familiar with the subject I take the liberty of suggesting

that you obtain from the superintendent at West Point a report showing the routine of duty and instruction there, and from the commandant of some well-conducted and amply garrisoned post a report of the routine of duty for his enlisted men; comparison of such data will convince any disinterested person that the difference between the routines amounts to this, and no more; in the academy every hour is appropriated to duty and instruction, while at the post one-third—most frequently not so much—of the working time of the soldier is occupied by duty, and the rest given over to absolute and ruinous idleness. Keeping in mind that what is called duty in the service is performed by the cadet as a part of his necessary instruction, by such a comparison you will come to understand, if you do not now, how simple the task will be to devise a system of instruction, blended with duty, which will have the effect to turn every post into an academy and convert every private soldier into a cadet. Of the details of such a system it is not my purpose now to speak. A board of earnest officers, not idolatrously joined to the old régime, can easily reduce it to form. The branches of instruction will recommend themselves, while the officers and noncommissioned officers of each company should and can discharge the duties of professors and teachers.

"As to the third feature. After having, in the way proposed, prepared the private soldier, there can be no sound objection to a law by which the officers of the Regular Army shall be drawn from the ranks exclusively, the commissions and warrants being held for that purpose as incentive to the ambition and toil of the enlisted men.

"The results of the proposed extension are self-apparent. By it you make the service honorable and advantageous to the private soldier, and by holding out inducements, such as education and commission, you will attract to the ranks the flower of our youth, and in that way assure to the Government reliability under all circumstances. By it you will be able speedily to fill your proposed regiments. By it, as a general result, practical military knowledge—not limited to a select caste, few in numbers, and not always faithful—will be scattered broadcast over the country. By it, and by no means least among the consideration, the discharged regular soldier will not be a vagrant or an idler whom society, from fear and distrust, thrusts back to his barracks; on the contrary, his honorable discharge will serve him as a certificate of fitness and ability for any civil pursuit, and make him a welcome addition to every community. By it you will not only get better military service but, as an act of wisest statesmanship, you offer in a constitutional way the coveted opportunity for education to every lad in the land.

"LEW WALLACE."

Mr. THOMAS. Before the Secretary's time it was provided by law that an enlisted man was eligible for promotion to the post of ensign. But it was not until 1910 that any man stood for the examination, when one qualified; in 1911, no one; in 1912, two; or a total of three in four years. Then came the establishment of the ship schools, and the transformation began. In 1913, 5 young men in the ranks became ensigns; in 1914, 6; and in 1915, 6. The examinations were rigid. Let me here quote from the Secretary's statement to the House Committee on Naval Affairs:

I tell you, gentlemen, that a man in the Navy from the enlisted force who stands the examination and secures his appointment is a man. In these three years since we have broadened the educational policy 17 officers have come into the service from the enlisted ranks, as against 3 in the previous four years. I hope this year we will have a dozen, and as the years go by they will increase.

Under a law of the Sixty-third Congress provision was made for appointments to the Naval Academy of 15 enlisted men who could pass the required examinations with records to be approved by their officers. Under that law through the beneficent operation of the Secretary's schools 13 young men were appointed from the decks to Annapolis prior to 1916, where they are doing splendid work, and in the words of the Secretary, "they have the incalculable advantage of at least a year's service on ship where they have had practical training." Surely a system bearing such fruit in the short space of three years is possessed of some superior value.

Mr. President, the law to which I have just referred, enacted by the Sixty-third Congress, and giving a maximum of 15 men the privilege of the Annapolis Academy, was designed originally for 25; but owing to the objection, I think, of the junior Senator from Massachusetts [Mr. WEEKS], the number was limited to 15. Twenty-three men have successfully passed the examination for admission into the next class of the Naval Academy, or 8 more than the maximum allowed by the law. The response, therefore, to that opportunity during the first year of the operation of the law is 8 men in excess of the number eligible to admission. An effort will be made, upon the recommendation of the Secretary, so to amend the pending naval bill as to permit the inclusion of the added 8—something which I feel very sure will receive the favorable consideration of the Senate. I have a press notice upon the subject bearing date June 12, and ask permission to insert it in my remarks at this point.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

[Release for Monday morning, June 12, 1916.]

PRESS NOTICE.

NAVY DEPARTMENT, June 10, 1916.

In the competitive examinations for enlisted men of the Navy for admission to Annapolis 23 enlisted men have qualified, and Secretary Daniels is writing the chairmen of the Senate and House Committees on Naval Affairs requesting that Congress authorize the appointment of all

Two years ago, upon the recommendation of Secretary Daniels, Congress passed a bill providing for the appointment of 15 enlisted men to the Naval Academy each year. The first examination was held about six weeks after the law was enacted and 5 men qualified. Last year 8 men qualified, and this year 23 men have qualified, but under the law as it now stands only 15 may be admitted. The appointment of the 15 who stood highest will be made immediately, and the Secretary is urging, because of the need of additional officers and because of their excellent record and demonstrated fitness, and inasmuch as the authorized quota was not filled in 1914 and 1915, that Congress pass an act admitting the 8 other candidates who qualified.

The 15 candidates who will be appointed immediately, and their respective addresses, are as follows:

Lisle Judson Maxson, Galesburg, Mich.; Earl Wallace Fife, Venice, Cal.; Earl Le Roy Sackett, Nampa, Idaho; Loyd Kilgore Barry, Smithville, Tex.; Henry Nicholas Mergen, Benson, Nebr.; Clarence Floyd Swanson, Denver, Colo.; Raymond Charles Ferris, Newcastle, Del.; Wesley McLaren Hague, San Diego, Cal.; Alfred Antony Wilson, Baltimore, Md.; Ralph Alger Philbrook, Malden, Mass.; John Stanhope Engs, Jr., Oakland, Cal.; Frederick William McMahon, New Haven, Conn.; John Gordon Clausung, Rawlins, Wyo.; Joseph Spykstra, jr., Golden, Colo.; Walter Scott Dutton, Oakland, Cal.

The eight other candidates who qualified, and their respective addresses, are as follows:

Edward Hamilton Doolin, Racine, Wis.; George Anthony Russ; Edward William Brady, Portland, Ore.; Chester Arthur Swafford, Terrell, Tex.; Samuel Wesley Metzger, Pueblo, Colo.; Thomas Wallace Brooks, Putnam, Conn.; Harton Ivey Booker, Greenville, S. C.; Edwin Barton Bobzien, Grants Pass, Ore.

Mr. THOMAS. More than 20 of these enlisted men stood the examinations of 1916 and have come into the service as officers. Does not this gratifying increase both justify the Secretary's prevision and assure to the Navy that certain increase of officers so much needed and which the Naval Academy can not wholly supply?

The Secretary, with the aid of Congress, has opened other doors of opportunity for the enlisted man. He has appointed and commissioned 15 of them as assistant paymasters in the Navy, first submitting them to examinations. All pay clerks are now by law taken from the ranks, and the Secretary has appointed 187 of them. Those opportunities are the legitimate parents of "efficiency." They make the Naval Service attractive and popular. The Secretary has well and wisely said that—

The bulkhead preventing a young man's advancement must be ended. We will never have an efficient Navy or a great Navy until we make it so that every young man who enlists in it knows that he can be an admiral if he has the brains and the application. We should continue this policy, enlarging opportunities as rapidly as the young men demonstrate their ability and capacity.

Yet the policy encounters the dogged and determined opposition of that caste which, crystallizing in official circles and extending beyond them, would exclude from its sacred inclosures all who do not enter it from above. Opening its doors to the multitude and giving admission to the enlisted man, thus giving him both official and social contact with its aristocratic and exclusive denizens, is profanation. And nothing in this world will evoke more bitterness, more animosity, and more vindictive opposition than assaults on class distinctions. Let us inquire how this spirit has manifested itself against the Secretary. I quote his own words:

I can understand the spirit of honest criticism, but I can not understand the violence that revels in the slime of a base un-American detraction. In order to enlist the best thought of the Nation in science and invention I asked Thomas A. Edison to serve as the head of an advisory board composed of two representatives from each of the 11 great engineering and scientific societies of the United States. Germany, France, and England place major reliance upon such boards and provide great laboratories for their use. Mr. Edison and his associates serve without salary, paying their own expenses; yet even this devotion has not been able to protect them against slander. It has been charged in open print that Mr. Edison and his associates have no higher motive than a mean hope of selling something to the Government.

It has been said repeatedly that I made an order for officers and men to mess together, and that I gave up the idea only when informed that black men and white might be brought together at the same table. There was never a more infamous falsehood. No such order was ever made or contemplated. Some snapshots were being taken on board ship, and as I had left my hat below, an officer loaned me his cap. I made some laughing remark about its shape, and this has been twisted into personal derision of the naval uniform. Once I spoke at a Young Men's Christian Association meeting of the men, and at its close I was asked to have my picture taken with two of the youngsters. It is this picture that has since been used to show my passion for posing as a friend of the bluejacket.

It is asserted that I have deprived the kin of an enlisted man of the customary death gratuity should he lose his life while on liberty. The law on this subject was passed in 1912, and states specifically that the only cause for withholding payment shall be when death is due to the misconduct of the deceased. We bought 8 searchlights from a German inventor and tendered him a second order of 12 more, at \$3,960 apiece, as set down in his bid. The manufacturers did not desire the contract, requesting a new award at \$5,200 apiece, but I awarded the contract to the inventor, who by reason of getting it, will be paid \$25,000 under his contract with the manufacturers. This transaction constitutes the base of the charge that the United States Navy robbed a stranger and took advantage of him. Nothing seems to be too low, too mean, or too vicious to be said, and the attacks do not stop at me, but soil Navy, Nation, and officials.

I do not care about these pettinesses as far as I personally am concerned, but I do resent the extension of this enmity to others. The people are asked to believe, for instance, that I appointed some inefficient underling to be Chief of the Bureau of Navigation. Victor Blue, the man attacked by inference, has his name in the Naval

Register with the notation "advanced for extraordinary heroism during the War with Spain." His daring expeditions to locate the Spanish Fleet at Santiago, however, were no less brilliant than his action in penetrating the Spanish gunboat blockade in an armed ship's boat, meeting Gen. Gomez, and then capturing two Spanish patrol sloops as he ran out of the harbor. He has filled every office on a modern man-of-war, served on Admiral Kempff's staff during the Philippine insurrection, and was a member of the first relief expedition which marched from the sea to Tientsin. After that he was chief of staff of the Pacific Fleet, was appointed by Secretary Meyer to the General Board, and it was there I found him.

I have been criticized also for refusing to permit naval officers to deliver public addresses and otherwise seek to influence legislation. This has been the unbroken policy of the Navy from time immemorial; and President Roosevelt, in 1902, and President Taft, in 1909, re-enforced the rule by Executive orders that established dismissal as a penalty for violation. But even while I did not make this regulation, I gave it the usual enforcement. Congress has called before it many officers of the Navy regarded as authorities, and the testimony of these gentlemen has been available to the press, and, to supplement publicity, I have made public the reports of the General Board. No one has been muzzled; simply the law has been enforced that forbids officers from running about the country for purposes of propaganda, a practice in which 99 per cent had no desire to indulge.

Mr. President, I know of no thing or direction in which the Navy is said to be deficient the responsibility for which has not been charged to the present Secretary. The records of the proceedings of our multitudinous leagues reveal this fact on every page. There was a time in the Civil War when Lincoln was damned even in the Halls of Congress for the misfortunes of the Army, for the failures of his commanders, and for the successes of the South. He was showered with every epithet not too scurrilous for public mention, and some even questioned his loyalty to the cause of the Union. But these libelers of the great American live in the memory only through the greatness of the man they so grossly reviled, while the task he undertook and successfully accomplished is a daily reminder of his imperishable renown.

I have no time to notice, much less to comment upon every feature of this campaign of slander. But its underlying cause is strikingly reflected in the incident of the photograph. The Secretary was asked and very naturally and properly consented to the taking of his picture with two enlisted men. The occasion was a meeting of the Young Men's Christian Association which the Secretary had attended and addressed. The picture has been circulated "to show his passion for posing as the friend of the bluejacket!"

This is a serious offense, indeed! What predecessor of Mr. Daniels ever thus condescended to express that friendship? What a shock to the pride of the official caste! How it must inspire that contempt of the bluejacket for his superiors, which familiarity so surely begets. Such an act is demoralizing. It is scandalous. What will the world say as it gazes upon the pleasant features of America's Naval Secretary between the equally pleasant faces of two smiling jackies? Discipline is gone. We may have battleships and submarines in plenty, but no Navy, if this species of fraternization shall go unrebuked. Mr. von Meyer would never have thus offended. The very thought of this perfectly groomed and exquisitely perfumed gentleman touching shoulders with an enlisted man, subjecting his shapely fingers and manicured nails to the contamination of a brawny handshake, is paralyzing. The traditions of the service were respected by such as he, while this vulgar iconoclast brushes them aside with cheerful unconcern. He has the audacity to treat the enlisted man as a fellow human being, even while on duty. Such a policy wrecks the most exacting naval traditions and will bring down the most carefully constructed system of official etiquette.

The Saturday Evening Post in its issue of June 5 contains a most interesting article from the pen of Mr. Henry Merrill Hitchcock, recently an ensign in the service. It is entitled "Men Wanted for the United States Navy," and everyone should read it. He endeavors to tell us why, although our ships are unsurpassed, the service is not as popular nor as complete as it should be and must become if we are to have a Navy that is genuinely American. Mr. Hitchcock says that it was American in the days of Stephen Decatur, but that, instead of glorying in the fact, it afterwards began to lose touch with the country it belongs to and has made itself into an imitation British institution by aping the aristocratic and ceremonious characteristics peculiar to it, thus steering "straight for trouble." He illustrates the result with these incidents:

Some years ago a certain officer in the United States Navy was captain and manager of his ship's baseball team. His pitcher was a youngster of 19, a big, rawboned, red-haired youth, with a world of speed, an untamed curve ball, and the rating of an ordinary seaman.

One day while the ship was lying in the navy yard the team played a game in which, after going along beautifully for seven innings, this young pitcher made a woeful error in the eighth and lost his game.

After the game the young pitcher and the young officer, both still in baseball uniforms, walked back to the ship together, the young officer talking to the enlisted man and trying to hearten him up. As they came over the gangway of the ship and the young ordinary seaman

turned to go forward the young officer gave him an encouraging farewell pat on the shoulder and himself went down to his stateroom.

But that little gesture had been witnessed by a horrified group of officers on the quarter-deck. The young officer was just pulling his shirt over his head when he heard a preeminent knock on his stateroom door. He opened it and found himself face to face with an older officer, who proceeded without loss of time to read him an impassioned discourse on the unspeakable, the heinous crime he had committed in putting his hands on an enlisted man.

Perhaps you think that was an extreme instance of its kind; but if it was, it was so because very few graduates of the Naval Academy would be capable of committing the terrible "faux pas" which called forth such unmeasured condemnation and not because the spirit that prompted the ensuing curtain lecture is rare.

Another time a young officer just out of the Naval Academy was put to standing watch on a battleship. With the officer on deck, on watch there also stands watch an enlisted man, the quartermaster, whose duties in port may be roughly described as those of general assistant to the officer of the deck. A capable and experienced quartermaster is a very valuable asset to a watch officer, particularly to a young one.

This particular youngster was fortunate enough to have an unusually capable and trustworthy quartermaster on watch with him; and being himself intelligent enough to recognize his own inexperience, and not too much impressed with his own importance to be capable of learning from a subordinate, he very soon found that he could safely turn to the quartermaster for advice in any small emergency with great benefit to all concerned.

Presently, however, the executive officer of that ship—that is to say, the second in command—came up on deck and observed the young watch officer in consultation with his trusty assistant. He promptly called the young officer to him and brought to his attention in forcible language the terrible injury to "discipline" and the derogation suffered by the dignity of the officer of the deck when that official was to be seen in public conversation with an enlisted man. In concluding his article, Mr. Hitchcock says:

"That is the kind of shop the Navy is in which to work. It is rather hard to imagine that so long as it remains that kind of shop, it is going to prove tremendously attractive to young Americans."

Such incidents are a libel upon democracy. The officers responsible for them dishonor the uniform of the service they wear. And it is not at all surprising that men capable of such wholly un-American conduct should bitterly resent the democracy of a Secretary who would stand between two ordinary seamen and be photographed with them. For they see in the act the beginning of the end of their miserable so-called system of "discipline"; a system which places a humiliating barrier between the cabin and the deck, exalting the inmates of the one to a place but little below the angels and depressing the occupants of the other to the level of the brute. Man and superman there may be, but in the hour of crisis the superman not only must direct the fire but man the guns as well. And Democracy militant must needs be democracy prevalent at sea as upon land. The Navy must have an esprit du corps large enough and liberal enough to comprise men as well as officers, or we may never hope for an effective and thoroughly dependable naval force.

Some weeks ago I read a most interesting description of the French Army, the greatest, because the most democratic, military organization on earth. The officers speak to their men and regard them as their "children." The men speak to their officers and regard them as "my commander." Off duty they commingle and converse together. On duty they frequently break their bread at the same camp table. Between commander and subordinate officer there is social equality and freedom of intercourse. These human relations do not impair discipline; on the contrary, they stimulate it. Between the man who orders and the man who obeys runs the warm current of affection, born of the principle of equality. And man follows officer, as officer leads man, into the jaws of death when country demands it, with a heroism and devotion having no parallel in the awful theater of the world's greatest war. Not until this principle shall have been crystallized into America's military and naval system, not until the social void which yawns between the officer and the private shall have been obliterated, not until these come together in the true spirit of friendly intercourse and companionship, not until the soldier becomes the object of the officer's personal solicitude, and the officer is the recipient of the soldier's unreserved confidence and affection, will we have a genuine Army and Navy—the true reflection of American policies and the fit defenders of American democracy. And not until the iron rules of caste, framed outside the law and wholly foreign to equality before the law, the parasite growth of imitation, shall have been swept aside will we have a maximum of American soldiers or seamen, however we may legislate or whatever inducements we may offer to enlistments.

This country is a democracy, but its Army and its Navy are not democratic. What father, under prevailing Army and Navy regulations and discipline, wants to see his boy enlist as a private in either? What young American of spirit and character will under existing conditions barter his spirit of independence and his sense of equality for a uniform which advertises his loss of both? Why do desertions so largely disfigure

the records of both? One answer can be found in the distance which separates the man from the officer, albeit between them there may be perfect equality of birth, of station, of accomplishments, and of intellectual capacity. The Secretary of the Navy, conscious of this most obvious fact, and anxious to minimize, if not to remove it entirely, has formulated a wise and necessary policy, and then proceeded to make it effective. And he has succeeded well. No injury has come either to men or to material. Those in command have been neither humbled nor shorn of authority. Desertions have decreased materially. The man below may now rise to the level of the man above. The man above will ere long extend the hand of aid and of friendship to the man below, and both will attain a higher and yet higher grade of efficiency through the natural respect and confidence thus engendered. The spirit of esteem and of emulation will supplant the spirit of discontent and the sense of injustice, and the personnel of the Navy, both officers and men, will make it invincible.

It is due to many officers of the American Navy, whose numbers are happily increasing, to say that they have no sympathy with, nor any wish to perpetuate, the caste system in the Navy. They realize that it is wholly alien to democracy; that it is a parasite of foreign growth; that it must be eliminated from the service. They have welcomed the reforms which the Secretary has initiated. They are giving him every support and every encouragement. These splendid Americans need no teacher to instruct them regarding the requirements for enlisting freemen in the public service and holding them to its ideals while discharging its duties. They know that preparation, in its last and best analysis, rests upon the stout heart, the quick eye, the skillful hand, and the impassioned loyalty of the private in the ranks. They constitute the Secretary's most powerful support, for they strive to make his efforts effectual.

Armor plate is perhaps the most expensive component of the modern battleship. This is so because the material is the result of several and difficult processes, and also because its production in the United States is limited to three concerns, nominally competitive, but practically a unit. Nitrates are the principal component of gunpowder, the natural deposit of which Chile has the monopoly; and the patents for its production are in private control. The stupendous profits in armor-plate manufacture largely explain the unbalanced character of our naval equipment and the disproportion between armored vessels and other craft.

A congressional investigation in 1894 revealed the rottenness of armor-plate conditions in the United States. Contractors with the Government for armor plate, and they were the same concerns that now monopolize the product, were convicted out of their own mouths, not only of furnishing an inferior and practically useless article to the Government, but also of selling their wares to foreign countries for an average of about half its cost to the United States. What better evidence of their extortionate profit is needed?

Nitrates have, due to increasing foreign demand, risen enormously in value, thus adding to our cost of powder, and compelling us to seek the only alternative source of supply. The Secretary of the Navy, in common with many Senators and Representatives of both the great parties, favors the construction of a Government plant for supplying itself with armor plate, and of a hydroelectric plant for the fixation of atmospheric nitrogen. Both propositions have found expression in the Senate bills providing for their establishment, both have passed in the House, as well, and both will soon be enacted into law. These have very naturally aroused the wrathful opposition of those great private interests, hitherto enjoying a monopoly of the one and looking forward to the enjoyment of an equally valuable monopoly of the other. This opposition has found expression through all the avenues so readily commanded by wealth and power, and has been aimed alike at Cabinet and Congress. The Secretary of the Navy, having with characteristic candor warmly advocated the equipment of these public institutions, and Congress having signified its approval of his views, other extensive manufacturers of other indispensable War and Navy matériel have very naturally, and very properly, apprehended similar invasions of their specialized spheres of public supply, and they, too, are shouting protests of disapproval against this last and, to them, most dangerous manifestation of "socialistic activity." In their view, Mr. Daniels, though by no means the only, is the most conspicuous sinner against the laws and the Constitution—therefore their denunciation.

When Demetrius, the silversmith, who made shrines for Diana, heard Paul persuade the people to turn away from gods which were made with human hands he called his fellow work-

men together and said to them: "Sirs, ye know that by this craft we have our wealth." And he cunningly concealed the real danger which he feared by reminding them that the temple of the great goddess Diana would be despised and her magnificence destroyed by the teachings of the apostle. Wherefore they were filled with wrath and cried out, saying, "Great is Diana of the Ephesians." And the hands and voices of the city were lifted against him.

It is not the real friends of the Navy nor its well-being which protests the Secretary's handiwork here, but the image makers and those of other craft who profit by the old régime—the inner circle of the select and the rigid conservatism which regards change as the synonym of destruction. These would stay his hand by crying out against him in the name of the Navy and undo his work by arousing the angry clamors of the multitude. But the Secretary, serene and self-contained, will persevere in the good work unto the very end, well knowing that it is even now receiving the sanction as it will hereafter command the generous approval of a wise and discriminating public opinion. The day of the purveyor for profit in war matériel has passed its zenith. The sun will soon cast its shadow to the eastward, surely lengthening as the hours go by. The dawn of a better day for the soldier and the seaman is at hand. As in France, officer and man will meet on common ground, each knowing and respecting his position, both stirred by the same impulses of duty and devotion to the Republic.

I shall not recount the many details of improvement which have come to the Navy under its present vigorous and efficient administration. That has been done, and by more competent hands than mine. These will continue so long as the Secretary remains in charge of its vast affairs. I am largely concerned with that indefensible and un-American propaganda of detraction and contumely launched against a worthy public servant, intent upon his duty and its effective discharge, a propaganda prompted partly by ignorance but in larger degree by unworthy and ignoble motives.

We have a great Navy; we shall have a greater one, unless all the signs of the times are meaningless; and it will be evolved on orderly, balanced, and efficient lines. It will be built not for conquest but for security. Its material structure, its human equipment, and its correlated portions will unite to make it the most efficient weapon of defense ever designed and constructed for the protection of an independent people. This end will be ordained and this purpose accomplished largely through the agency of Josephus Daniels and the subordinates now so cheerfully and so loyally sustaining him.

#### CONSTRUCTION OF BATTLESHIPS.

Mr. TILLMAN. Mr. President, the Senator from Alabama [Mr. BANKHEAD] is not here at this moment, and, as there is no morning business, I wish to make a request for unanimous consent.

Mr. President, yesterday I asked unanimous consent for the publication in the RECORD of the resolution I introduced on July 16, 1912, together with an article by Commander W. A. Moffett relating to the construction of 60,000-ton battleships. As Commander Moffett's article contained an illustration, the Senate referred all the matter to the Committee on Printing. The Senator from Florida [Mr. FLETCHER], chairman of that committee, reported a resolution for the printing of this manuscript as a Senate document, which was adopted.

I ask unanimous consent that the resolution in question and the article by Commander Moffett, without the illustration, may be printed in the RECORD in large type. I think the article will be more accessible to Senators in that way than in any other.

The PRESIDING OFFICER (Mr. WALSH in the chair). Is there objection to the request of the Senator from South Carolina?

Mr. SMOOT. It is to be printed without the illustration?

Mr. TILLMAN. There are no illustrations to go in the RECORD.

Mr. SMOOT. All right, Mr. President.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

RESOLUTION SUBMITTED BY SENATOR TILLMAN INSTRUCTING THE SENATE COMMITTEE ON NAVAL AFFAIRS TO INVESTIGATE AND REPORT TO THE SENATE AS TO THE SIZE OF BATTLESHIPS AND CRUISERS.

[Senate resolution 361, 62d Cong., 2d sess.]

IN THE SENATE OF THE UNITED STATES,

July 16, 1912.

Mr. TILLMAN submitted the following resolution, which was considered and agreed to:

"Resolved, That the Committee on Naval Affairs be, and it is hereby, instructed to investigate and report to the Senate what is the maximum size of ship, whether battleship or cruiser; the

maximum thickness of armor that such ship can safely carry; the maximum size of gun; the maximum speed and the maximum desirable radius of action of such vessel that can safely be built so as to navigate the ocean and enter the first-class harbors of the world; how much draft can such vessel carry in order to enter the existing dry docks in this country for repairs, and safely pass through the Panama Canal; the object being to find out from authentic and reliable official sources the maximum size and maximum draft, the maximum armament, and the maximum thickness of armor to make the very best battleship or cruiser that the world has ever seen or will ever see; to have this country own the greatest marine engine of war ever constructed or ever to be constructed under known conditions; and to report whether one such overpowering vessel would not in its judgment be better for this country to build than to continue by increasing taxation to spend the millions and millions of dollars now in prospect in the race for naval supremacy. Let such vessel be named the *Terror*, and become the peacemaker of the world. Let us find out just how far we can go with any degree of safety and go there at once. Let us leave some money in the Treasury for other more necessary and useful expenditures, such as good roads, controlling the floods in the Mississippi, draining swamp land in the South, and irrigating the arid land in the West."

"BUILD THE LIMIT."

[By Commander W. A. Moffett, United States Navy.]

"The history of modern battleship construction shows that their displacement has steadily increased. Our first battleship, represented by the *Oregon*, displaced 10,300 tons; the next, the *Kentucky* class, 11,500; the *Maine* class, 12,500; the *Georgia* class, 14,900; the *Connecticut* class, 16,000, etc., increasing at an average rate of about 1,000 tons a year.

"There has been constant endeavor to keep the displacement down, for obvious reasons, cost principally, of the individual ship; docking facilities, draft of harbors, as well as supposed, if imaginary, tactical advantages. The designers of each nation strive, on a given displacement, to outstrip all others in turning out the best all-round ship, but the inexorable limit of displacement has invariably resulted in compromises, each nation turning out what is considered best, sacrificing one element to another, speed to guns, endurance, armor protection, etc.

"There were, and are, schools in our own Navy as well as in others that opposed increasing displacement, but each year has seen displacement steadily increasing, none the less. The first radical increase came with the *Dreadnought* from 16,000 to 20,000 tons. Up to this time the constructors of the world, including our own, fondly imagined that the standard type of battleship had been reached in a ship of about 16,000 tons, 18 knots speed, main battery of four 12-inch guns, in two center-line turrets, intermediate battery of 6-inch guns, and 3-inch guns for torpedo defense, represented by our *Connecticut*. They were aroused from their false security by the thinking, practical men of the British Navy, who brought forward the epoch-making *Dreadnought*, making a bold increase of 4,000 tons in displacement and 2 knots in speed. Our own Navy had an inspiration about this time and our designers gave us the *South Carolina* class, all big-gun ships and turrets on midship line—notable above all else for this last-named feature, which was ultimately followed by all other designers.

"The *Dreadnought* immediately scrapped all other battleships, in the British as well as in all other navies. This is where Great Britain's rivals, especially Germany, had their great opportunity. They should have promptly scrapped their old ships and spent all their available money for battleships that would outbuild the *Dreadnought*. We did, in a half-hearted way, and have continued to do so since, but not boldly. We are, and have been, too conservative. We have, since the *Dreadnought*, and like all other nations, steadily increased the displacement, and in the last few years have actually had the courage to go beyond Great Britain in displacement, so that we have the *Pennsylvania* class, actually larger by 4,000 tons than the latest ship by the British, and it is reported in the newspapers that the General Board has even recommended ships as large as 36,000 tons.

"England's reasons for not wishing to increase the displacement of her battleships beyond what it is are obvious enough. She had a bad scare after the *Dreadnought*'s design became public, and found Germany laying down many ships of equal and larger displacement, and she lost no time in outbuilding her in numbers in these then large ships. She does not want this experience duplicated. She has the largest navy in the world, and realizes that it is a practicable impossibility for any other nation to catch up with her as long as they confine themselves to ships of the same size as her own.

"On account of cost, docking, draft of harbors, and other supposed good reasons, as well as the long-exploded and farmer-like argument of 'too many eggs in one basket,' the designers of all navies have attempted to keep down the displacement and to crowd into the limited displacement the maximum of elements that go to make an efficient battleship. But one element or another has always had to be sacrificed, and to date this has been principally speed. As a rule the caliber of the guns of the main battery, especially since the all-big-gun battleship idea, has been near the limit of the mechanical arts at the time; also the amount of armor protection has not been sacrificed. The consumption of displacement for speed increased in such a rapid ratio that designers all gave pause and stopped near 21 or 22 knots. However, the yearning to get speed would not down and resulted in the battle cruiser, where armor and the number of guns were sacrificed to speed. But the inexorable demand for the battleship possessing all desirable elements steadily increases, resulting in increased displacement, except in the case of Great Britain, whose reasons against it are well taken—from her standpoint.

"Why not take a lesson from history and frankly decide what we want, what characteristics a battleship should have, what speed, endurance, battery, armor, etc., it should have, and then build it regardless of displacement? Is it not fair to assume, nay, is it not certain, that if battleships' displacement has increased from 10,000 tons in 1896 to 32,000 tons in 1916 that it will continue to do so until the limit is reached? Why not go the limit at once? By so doing we scrap the battleships of every navy in the world, and by spending the money we would spend on smaller ships we build a smaller number of vessels, but the most powerful fleet in the world.

"Other navies would have to follow our example and build ships like ours or give up the competition. We could stand the cost better than any other nation. It is therefore an advantage to us to make navies cost as much as possible. We have more money than any other nation and will have more, comparatively, at the close of the war, when most of them will be bankrupt. It is therefore to our advantage to make individual ships cost more.

"The limit for us in the size of battleships is the Panama Canal locks. It is also the limit for any power that might go to war against us, for none would sacrifice the advantage of being able to send its fleet through the canal. The limit, therefore, of displacement for our battleships is within 1,000 feet in length and 110 feet in beam, the dimensions of the Panama Canal locks. Let us therefore go the limit at once, while we have the opportunity to do it, ahead of all our rivals, and build the limit at the same time in everything; that is to say, in speed, caliber of guns, endurance, fuel, ammunition, etc.

"In regard to speed, some may urge that the highest practicable speed is unnecessarily high. Not long ago 16 knots in battleships was considered ample and 26 knots in destroyers. Now 21 knots is the minimum for battleships and 30 knots for destroyers and battle cruisers. Why not go as high as the mechanical arts will permit?

"Go the limit, too, in caliber of guns. It is said, 'Build a gun no larger in caliber than necessary.' But who can say what is 'necessary'? Only a few years ago the 12-inch gun was amply 'necessary' in the opinion of most people. To-day the 15-inch gun does not seem to be large enough, and even we are contemplating putting 16-inch guns on our battleships. The newspapers report 17-inch guns going on German ships. Fourteen or sixteen inch guns may be as large as 'necessary,' but who, being engaged with an enemy equal in other respects, would not prefer to have a battery with larger caliber than one's adversary? And if you had also superior speed, how much greater the advantage.

"One great but seldom mentioned advantage of the large ship, as compared with the smaller, is as a gun platform, especially at high speed and in a rough sea. At 18 knots in a moderate sea the 16,000-ton ship can hardly fire her turret guns, and she rolls and pitches to such an extent that her chances of hitting are small. The 27,000-ton ship is, under the same conditions and even at higher speed, comparatively steady, and her guns can be fired more effectively. But the 60,000-ton ship will hardly know she is at sea, and while her 27,000-ton rivals are trying to get the range and fire on the roll she will be as steady as a church and as regularly making salvo hits.

"Finally, but for us of greatest importance, the political side. The average American, the man in the street, may be ignorant of naval affairs, but one thing every American wants and knows he wants; that is, to see his country first. For years he has believed she was first in everything. Recently he has had a rude awakening, at least as far as the Navy is concerned. But

still, each in his heart feels that our Navy should be first and hopes that in some way it may be made so.

"There is but one way, and that is by building the limit in size of battleships. Build a smaller number if Congress will not give us what the Navy asks for—even one-half the number as would be built of 32,000 or 36,000 tons. In this way we will scrap England's Navy, as well as all others. In no other way can we ever hope to have the first navy in the world—in no other way can we hope to overtake Great Britain. Money is force if properly and wisely used. We have more money than any other nation, and therefore more force. Let us use it. We can afford it. No other nation can.

"Build the limit in displacement, in speed, in caliber of guns, with proper proportion of fuel and ammunition endurance, etc., and we will have, indeed, the first real superdreadnaught, of approximately the following dimensions:

Length over all	feet	955
Length between perpendiculars	do	975
Beam	do	105
Draft	do	32
Speed, maximum	knots	35-36
Endurance at maximum speed	hours	72
Estimated horsepower		250,000
Total displacement	tons	60,000

**"Battery:**

Ten 18-inch B. L. R.  
Sixteen 6-inch K. F. G.  
Antiaircraft guns.  
Antisubmarine guns.  
Saluting battery, etc.  
Four submerged torpedo tubes.

"Can anyone doubt that a fleet of such ships would incomparably better defend our coast and more quickly seek out and smash the enemy's fleet than any number of smaller ships?"

**POST OFFICE APPROPRIATIONS.**

Mr. BANKHEAD. Let the unfinished business be laid before the Senate.

The PRESIDING OFFICER. It is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes.

The PRESIDING OFFICER. The pending amendment of the Committee on Post Offices and Post Roads will be stated.

The SECRETARY. The pending amendment is on page 32, beginning in line 4, after the words "And provided further," to strike out down to and including the words "vehicle route," in line 9, and to insert certain words printed in the bill.

Mr. SMOOT. Mr. President, there are a number of Senators who desire to speak upon this matter and they are not in the Chamber. I suppose they did not think the speech of the Senator from Colorado would be concluded so quickly. I suggest the absence of a quorum in order that they may be present.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Husting	Newlands	Smith, Ga.
Bankhead	James	Norris	Smith, Md.
Brandegge	Johnson, Me.	Oliver	Smoot
Broussard	Johnson, S. Dak.	Page	Sterling
Bryan	Jones	Phelan	Swanson
Clapp	Kern	Pittman	Thompson
Culberson	La Follette	Poindexter	Townsend
Curtis	Lane	Ransdell	Vardaman
Dillingham	Lee, Md.	Saulsbury	Walsh
Gallinger	Lewis	Shafroth	Warren
Gore	McLean	Sheppard	Weeks
Harding	Martin, Va.	Sherman	Williams
Hardwick	Martine, N. J.	Shields	Works
Hollis	Myers	Simmons	

Mr. MARTINE of New Jersey. I rise to announce the absence of the Senator from West Virginia [Mr. CHILTON] on important public business.

Mr. ASHURST. I wish to announce that my colleague [Mr. SMITH of Arizona] is detained from the Senate by reason of illness in his family.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. There is a quorum present. The question is on agreeing to the amendment of the committee as amended.

Mr. KERN. I ask that the amendment be read.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. On page 32, beginning with line 4, after the words "And provided further," the committee proposes to strike out the words—

That no part of the money herein appropriated for Rural Delivery Service shall be used to cover any expense upon any motor-vehicle route until a majority of the patrons to be served by such motor-vehicle route shall by written petition ask the Post Office Department to establish such motor-vehicle route.

And to insert:

That rural mail delivery shall be extended so as to serve, as nearly as practicable, the entire rural population of the United States. Hereafter all rural mail-delivery routes shall be divided into two classes, to be known as—

Standard horse-drawn vehicle routes, which shall be 24 miles in length, and

Standard motor-vehicle routes, which shall be 50 miles in length, and shall only be established upon certificate of the duly qualified county road officials that the character of the roads proposed to be used, as well as climatic conditions, will warrant regular and practically uninterrupted service throughout the year.

Nothing herein contained shall be construed to prohibit the establishment of horse-drawn vehicle routes of less length than the standard of 24 miles: *Provided*, That it in extraordinary cases, in order to render more complete service, it should be necessary to do so, the Postmaster General is hereby authorized to increase the length of routes not to exceed 50 per cent above the standards herein prescribed; and in such cases the compensation of the carrier on such route shall be increased above the maximum pay heretofore fixed by law for rural carriers at the rate of \$24 per annum for each mile of said routes in excess of 30 miles for horse-drawn vehicle routes, and any major fraction of a mile shall be counted as a mile: *Provided further*, That carriers in rural mail-delivery service shall furnish and maintain at their own expense all necessary vehicle equipment for prompt handling of the mail: *And provided further*, That nothing herein shall be construed, and no order shall be issued, to prevent the use of motor vehicles on horse-drawn vehicle routes: *And provided further*, That the Postmaster General may, in his discretion, allow and pay additional compensation to rural letter carriers who are required to carry pouch mail to intermediate post-offices or for intersecting loop routes in all cases where it appears that the carriage of such pouches increases the expense of the equipment required by the carrier or materially increases the amount of labor performed by him, such compensation not to exceed the sum of \$12 per annum for each mile such carrier is required to carry such pouch or pouches.

The Postmaster General is hereby authorized and directed to reorganize and readjust existing rural mail-delivery service where necessary to conform to the standards herein prescribed: *Provided*, That in making appointments of rural carriers for service on new routes which may be created by the reorganization herein ordered preference shall be given to carriers who were formerly employed in Rural Delivery Service and who were separated therefrom on or after June 30, 1915, by reason of any previous reorganization of the service and without charges against them: *And provided further*, That the Postmaster General is authorized and directed to pay, out of the appropriations already made and still available and unexpended for Rural Free Delivery Service for the fiscal year ending June 30, 1915, to all letter carriers in the Rural Free Delivery Service during the fiscal year ending June 30, 1915, their executors or administrators, the difference between what they received for their said services and the amount that would have been paid to them in accordance with the proviso contained in joint resolution making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, approved March 4, 1915.

Mr. BRYAN. The last proviso is not involved now.

The PRESIDING OFFICER. It is all one amendment.

Mr. BRYAN. From line 5, on page 34.

Mr. HARDWICK. The Senator from Florida reserved a point of order on the proviso.

Mr. BRYAN. The Chair ruled yesterday that that part of it would not be involved on the first vote to be taken.

The PRESIDING OFFICER. The Chair inquires of the Senator from Florida whether it is not a fact that the whole text constitutes one amendment, notwithstanding?

Mr. BRYAN. I do not think so. In order to obviate that, then, Mr. President, I raise the point of order on the matter, beginning with the proviso on line 5, page 34.

Mr. HARDWICK. Mr. President, for the convenience of the Senate and to expedite matters, I desire to ask unanimous consent that we dispose of the amendment, except the part referred to by the Senator from Florida. That was practically what we agreed upon yesterday.

The PRESIDING OFFICER. The Chair desires to inquire whether that would not be a division of the question?

Mr. HARDWICK. In other words, that is a division of the amendment.

The PRESIDING OFFICER. The Senator from Georgia asks unanimous consent that the question be considered as divided, that part of it prior to the proviso on line 5, page 34, being one question, and that commencing with the words "And provided further," on line 5, page 34, being the other question. Is there objection?

Mr. POINDEXTER. I object.

Mr. BRYAN. Then, Mr. President, I must raise the point of order on the proviso. I rely on the third and fourth paragraphs of Rule XVI of the Senate. The third paragraph provides that—

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received.

This portion of the committee amendment it seems to me is without question undoubtedly covered by that paragraph. It does not relate in any degree to the text of the House bill. This is an attempt to require the Postmaster General to make a payment for what it is claimed is a moral obligation of the Post Office Department. Paragraph 3 of Rule XVI proceeds:

Nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto.

Passing from paragraph 3 to paragraph 4, paragraph 4 provides in substance that no amendment the object of which is to provide for a private claim shall be considered.

This portion of the committee amendment refers to the claims of individual rural-mail carriers against the Government of the United States. In the Post Office appropriation bill for the fiscal year ending June 30, 1915, the Postmaster General was authorized to pay not exceeding \$1,200 to each carrier. He paid, as he had a right to do under that provision, less than \$1,200 to some carriers. It is now attempted by this amendment to impose these private claims upon this appropriation bill. Of course, that can be done if it is to carry out the provisions of an existing law; but there is no existing law requiring that payment and no report of a committee; and no estimate of the head of a department could make this amendment in order if it is objected to under the fourth paragraph of Rule XVI of the Senate Rules. So, under both paragraphs, this amendment is clearly vulnerable.

Mr. President, I raised this same objection when the last Post Office appropriation bill was being considered, and the point of order was sustained by the Vice President. I do not suppose that the committee or members of the committee will argue here this morning that the amendment is not subject to the point of order.

Mr. HARDWICK. Mr. President, the committee thinks that the point of order raised by the Senator from Florida is not good, on three grounds. The provision against which the Senator directs his point of order is part of the committee amendment to the paragraph beginning on line 21, page 31, which provides for the pay of rural carriers and substitutes for rural carriers, their annual leave, and so forth, and provides the round sum of \$53,000,000 for that pay.

In connection with that proposition, the House of Representatives undertook to change, and did change, existing law by the insertion of the paragraph which your committee struck out, beginning on line 4, on page 32, as follows:

That no part of the money herein appropriated for rural-delivery service shall be used to cover any expense upon any motor vehicle route until a majority of the patrons to be served by such motor-vehicle route shall by written petition ask the Post Office Department to establish such motor-vehicle route.

The Senate committee, striking out the provision of the House bill, undertook to deal with the subject matter, and in dealing with the subject matter did so under the unbroken practice of this body, on the theory and with the idea that we had full liberty to deal with it in any way that the Senate and its committee thought best; that the subject matter being open, being before the Senate because of the text of the House bill to which the Senate rule could not be applied, the Senate had full freedom of action in dealing with the entire question. On yesterday, as I understand, that view was substantially sustained in this body, although no direct ruling was made by the Vice President on the question, the Senator from Florida finally withdrawing his point of order.

Mr. BRYAN. Mr. President, the Senator from Georgia does not want to put me in that attitude. I withdrew the point of order for this reason—

Mr. HARDWICK. Just a moment, and I will yield to the Senator.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Florida?

Mr. HARDWICK. Not just for the present. I will yield to the Senator in one minute. I do not want to put the Senator from Florida in any attitude that is not right. The Senator from Florida on yesterday urged the view which he has now urged; but finally, after argument and after the statement of the Vice President that it was impossible for him to construe this language and to decide whether or not it was a change in existing law, Senators disagreeing on that question, he felt it to be his duty to submit the question to the Senate, the Senator from Florida finally did withdraw the point of order. Now, I yield to the Senator from Florida. If I have misstated his position, I am sorry.

Mr. BRYAN. That is the fact. I did not withdraw the point of order because I did not think the point of order was good, but I withdrew the point of order because if the Senate wanted to insert the matter the Senate could do it, and the Senate by the same vote could decline to adopt the committee amendment as in voting on the point of order.

Another reason, I am frank to say, is that very frequently, in voting on the question of whether or not a point of order is germane, Senators upon coming into the Senate vote their convictions on the proposition involved instead of on the rules of the Senate; and I did not want to have set another precedent of that kind.

Mr. HARDWICK. Mr. President, I understood that was the Senator's motive, and I did not want to represent it or him incorrectly. I am sorry if I conveyed that impression even to him; but the fact is that the Senator, after making the point of order on the remainder of the paragraph, thought it wisest to withdraw it.

The committee insists to-day, just as it did yesterday to the Vice President, that the House, having taken this matter up and having eliminated it from the operations of Rule XVI, any substitute that the Senate committee or the Senate itself may care to adopt is before this body for full, unimpeded action by the Senate. It would be preposterous, I think, to say that we are bound to the mere limits of the exact proposition submitted by the House, and that we can only say "yes" or "no" to the exact and precise proposition submitted by the House of Representatives. We therefore urge that view against the point of order submitted by the Senator from Florida.

The Senator from Florida invokes section 3 and section 4 of Rule XVI against this particular part of the amendment, the part beginning with line 5 on page 34. First, the Senator from Florida says it is obnoxious to the rule, because it is general legislation in connection with an appropriation bill; and, second, the Senator from Florida says that it is obnoxious to section 4 of the rule, because it provides for the payment of a private claim on a general appropriation bill. In addition to the response already made the committee submits the following as an answer to the argument of the Senator from Florida: In the first place, the proposition contained in the language against which the Senator from Florida makes his point of order is not new legislation; on the contrary, it is legislation which has been twice passed by the Congress of the United States, once under the Post Office appropriation bill for the fiscal year ending June 30, 1915, and, second, under the joint resolution making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916. In other words, we say that we have inserted the provisions of two recent acts of Congress, and that, instead of being in violation of existing law, we have inserted the provisions of existing law.

We contend, too, Mr. President, that it is in no sense a private claim; that this provision simply provides for the payment of salaries due public officers for public services—not claims they have, but amounts due them under the plain, express provisions of existing law.

The Senator from Florida says that a year ago this point of order was sustained. It was; I have the RECORD before me, and the RECORD discloses a remarkable state of facts. This point of order was sustained then on a thorough misapprehension of what the facts were about this matter. Of course I do not think it was the fault of the Senator from Florida any more than it was the fault of one or two other Senators who participated in the debate.

The CONGRESSIONAL RECORD of February 24, 1915, shows that the Senator from Florida made this precise point of order, and that he suggested that it involve an additional appropriation of \$3,000,000, or, at any rate, would create a deficit, as he put it—and it amounts to the same thing—of \$3,000,000 in the operations of the Post Office Department. That was pretty generally consented to by several Senators who participated in the debate. For instance, the Vice President said—I will read to you just the conclusion—

The VICE PRESIDENT. Let us understand where we are. Will this amendment increase the appropriation?

Mr. BRYAN. It will.

Mr. SMITH of Georgia. It will increase it \$3,000,000.

My colleague, it will be seen, interjected a statement that it would increase the appropriation by \$3,000,000.

The VICE PRESIDENT. Has it been estimated for? [A pause.]

Evidently, no reply being made, the Chair then said:

The Chair sustains the point of order.

The point I make is that the Chair acted a year ago under a misapprehension of what the facts were. This amendment involves no additional appropriation; it involves no additional expenditure.

In section 211 of the Revised Statutes, codified in the Postal Laws and Regulations, this provision is contained:

SEC. 211. \* \* \* The Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury. \* \* \*

2. \* \* \* And it shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations, the balances of which have been exhausted or carried to the surplus fund under the provisions of said section (act June 20, 1874, supra), that may be brought before them within a period of five years. \* \*

The fact is, as your committee discovered upon inquiry from the auditor for the department, that this fund—the million and a half that it would require, in round numbers, to pay this money already appropriated by two acts of Congress—is still in the Treasury to the credit of the Post Office Department and to the credit of this particular fund. It will involve no appropriation whatever, and therefore the theory on which the Vice President sustained the point of order a year ago is wrong in point of fact. We are simply reappropriating, according to existing law and the precise terms of existing law, money already in the Treasury and to the credit of this fund. It will involve neither a deficit nor an additional appropriation. The money is already there; and it is apparent, from even a casual examination of the Record, that the Vice President a year ago, in sustaining the point of order, did so on the ground that it was an increase of appropriation for which no estimate had been made.

We say on all three grounds that the point of order of the Senator from Florida is not good:

First, that the House of Representatives, having undertaken to deal with this matter in a legislative way, the Senate has a full, free right to deal with this same question and the various branches of it in whatever way seems best to the Senate, and that the limitations under which it can deal with it are not such as are fixed by the ordinary rules of the Senate, because to the text of the House bill the ordinary rules of the Senate can not be applied.

We say, in the second place, that instead of its being in violation of existing law or instead of its being the enactment of a general law, it is simply the carrying out of existing law as twice passed by this Congress.

We say, in the third place, that there is no increase of appropriation; that the money is there in the Treasury, unexpended, to the credit of this particular fund.

We believe that for all these reasons the point of order urged by the Senator from Florida is not good.

Mr. SMOOT. Mr. President, may I ask the Senator a question?

Mr. HARDWICK. Certainly.

Mr. SMOOT. Does the Senator know when the appropriation of which he speaks was made?

Mr. HARDWICK. Yes, sir; June 30, 1915.

Mr. SMOOT. That is, for the fiscal year ending June 30, 1915.

Mr. HARDWICK. Then in 1916, as the Senator remembers, a resolution was passed on the same subject; but it was originally appropriated by the Post Office appropriation bill for the fiscal year ending June 30, 1915.

Mr. SMOOT. Unless the appropriation was extended by legislation there is no available money in the Treasury of the United States to pay rural carriers, as the appropriation lapsed on June 30, 1915.

Mr. HARDWICK. It will be June 30, 1917, before the two years are up.

Mr. SMOOT. It is not a question of two years; it is a question of each fiscal year.

Mr. HARDWICK. Was the Senator in the Chamber just now when I read from the Revised Statutes on that question? For two years it remains in the Treasury subject to these appropriations made and for five years subject to reappropriation for this very purpose. Was the Senator here when I read section 211 of the Revised Statutes?

Mr. SMOOT. No; I did not hear the Senator read the Revised Statutes.

Mr. HARDWICK. Will the Senator, then, if he has any doubt on this question, read that section? That is what we base our contention on. Besides, the information of the auditor for the department is that the money is there to the credit of this particular fund. We inquired into that.

Mr. SMOOT. My thought was this: Appropriations are generally made for the fiscal years ending June 30.

Mr. HARDWICK. Yes.

Mr. SMOOT. And if, in the appropriation bill, it is not specifically stated that hereafter an appropriation is made it is not a permanent appropriation and lapses at the end of the fiscal year.

Mr. HARDWICK. Not a permanent appropriation.

Mr. SMOOT. What I wanted to know of the Senator was whether this particular appropriation stated that hereafter the amount named would be appropriated for this purpose, or was it a simple appropriation for the fiscal year of June 30, 1915?

Mr. HARDWICK. Just an appropriation for the pay of the carriers for that fiscal year. Let me call the attention of the Senator to the language in section 211 of the Revised Statutes:

The Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treas-

ury for two fiscal years to be carried to the surplus fund and covered into the Treasury. \* \* \* and it shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the Justice and validity of all claims under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of said section that may be brought before them within a period of five years.

Mr. SMOOT. I am fully aware of that act, Mr. President; but this is what I was calling attention to: If the appropriation was made for the fiscal year ending June 30, 1915, the Auditor of the Treasury can not pay out any part of that money now after June 30, 1915, without a special act of Congress. Therefore I wanted the Senator to be positive as to whether it was an appropriation made after June 30, 1915.

Mr. HARDWICK. Let me read section 210, and see if that throws any additional light on the question. Section 210 of the Revised Statutes provides that—

All balances of appropriations contained in the annual appropriation bills and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year—

That is what the Senator has in mind?

Mr. SMOOT. Yes.

Mr. HARDWICK (reading)—

shall only be applied to the payment of expenses properly incurred during that year or to the fulfillment of contracts properly made within that year.

That is the provision on which we rely. We say we are appropriating money not for this year but for that very year—that fiscal year—for which the act of Congress referred to made provision.

Mr. SMOOT. I think the Senator is wrong in that conclusion. I have been on the Appropriations Committee for a good many years, and I know when an appropriation is made, for instance, for a State fish hatchery, we will say, and is made for the fiscal year only, it sometimes happens that the Government of the United States can not secure the title to the land, and the end of the fiscal year passes without the expenditure of the money or without a contract being entered into for the purchase of land. Now, that appropriation lapses after June 30 of that year. It can not be utilized in any way in the future unless by a special act of Congress.

Mr. HARDWICK. Well, now, let us see.

Mr. SMOOT. I am positive of it, as I have had a similar case.

Mr. HARDWICK. Will the Senator yield to me for just a minute?

Mr. SMOOT. Certainly.

Mr. HARDWICK. I am yielding to him, but I want to interrupt him for just a minute.

Mr. SMOOT. Very well.

Mr. HARDWICK. Would it not be true, however—the language of both of the sections of the Revised Statutes suggests such an idea, to my mind, and certainly the auditor for the department thinks the money is there to the credit of this fund and not in the General Treasury balance, because he so informed the committee—would it not be true, however, that for the precise purposes of the act, for the payment of the carriers who served during that very fiscal year for which provision was made in the act to which I refer, up to the period of time stated in these two sections that money would be available?

Mr. SMOOT. Of course, I can not say until I look at the original act; but if the appropriation was made directly for the purpose named and was for the fiscal year ending June 30, 1915, and the amount of money had not been paid out before the close of that fiscal year, and the appropriation bill for the year ending June 30, 1916, did not reenact the appropriation, then I say that it would be impossible for the auditor to pay out the money for any purpose without further legislation.

Mr. HARDWICK. Well, now, let us see. It might be without authority from Congress; but the giving of such authority would not amount to a new appropriation, because under the two sections of the Revised Statutes to which I direct the attention of the Chair and of the Senate it is kept a certain length of time for the very purpose of meeting claims that are embraced within the very letter and terms of the laws; and that is what has been done in this case.

Mr. SMOOT. Yes; but the Senator must admit that, even under that statute, the money, if it was appropriated for any specific year without the word "hereafter" being used in the original appropriation, could not be paid out by the auditor unless there was a specific item in an appropriation bill carrying that same amount.

Mr. HARDWICK. After all, that is more or less technical. It is not a new appropriation—I mean not such within the meaning of the rule invoked by the Senator from Florida.

Mr. SMOOT. No; it is not a new appropriation; but it is an appropriation of money to be paid out of the Treasury of the United States during this fiscal year.

Mr. HARDWICK. That is true, I think; but at the same time, Mr. President, that does not make any difference, according to my view of what this rule means. It is not a new expenditure of the Government. It is not an expenditure that is not already authorized by a law that the Congress has already passed. It is merely a reauthorization for money to be spent under an appropriation already made and in the way that Congress intended that it should be spent. That is the view of the committee, and I think that is the plain meaning of the two sections of the Revised Statutes to which I refer.

Mr. BRYAN. Mr. President, the first objection raised by the Senator from Georgia to the point of order is that the amendment relates to a provision for the pay of rural carriers. But, Mr. President, the House bill relates, and the whole bill relates, to appropriations for the Post Office Department for the fiscal year 1917, not 1915. That is the trouble with the Senator's first objection. He lays down the proposition that in an appropriation bill for the fiscal year 1917 you may offer an amendment relating to debts of this Government for the year 1915.

The second objection of the Senator from Georgia is equally untenable. He undertakes to say that unless the Senate can put any sort of legislation upon an appropriation bill, it has less power than the House. Stated differently, he lays down the proposition that if you strike out a part of the text of the House bill you may substitute for it any legislation, related to it or not. To prevent that is the very reason why the Senate adopted paragraph 3 of Rule XVI:

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received.

Here is an appropriation to pay rural carriers for 1917, and the committee offer an amendment to pay a claim which they assert originated in 1915. How do they justify that? Not by the rules of the Senate, but in violation of the rules of the Senate. Not by the language of the law of 1915 or 1916—not at all. That language authorized the Postmaster General to pay to rural carriers not exceeding \$1,200. He graded their salaries between \$1,100 and \$1,200, according to whether or not the additional burden of the parcel post justified that expenditure, inasmuch as it was claimed that the Parcel Post System would make the work more burdensome upon the rural carriers. But neither the Senator from Georgia nor anybody else can say that the Postmaster General was not within his rights when he did that. The mere fact that this amendment is offered shows that he was within his rights.

It is immaterial how much money is involved. It is a mere estimate, after all. It was stated a year ago that \$3,000,000 was involved, and the amicus curiæ of the committee, Mr. Brown—an agent here for the rural carriers of the country, who tried to get out of them 25 cents apiece in order to file their claims before the Claims Committee of the Senate—said it amounts to \$3,200,000. That is the second objection.

The third objection I have already referred to. Then I call the Chair's attention back to paragraph 4 of Rule XVI:

No amendment the object of which is to provide for a private claim shall be received to any general appropriation bill.

Now, are these claims private claims? They are not claims which these men can enforce against the Government by law.

If the Postmaster General refused to pay them something to which they were entitled, they could go into the Court of Claims and enforce the payment of it.

As a last resort the Senator from Georgia lays down the proposition that the money remains there for five years—money appropriated for the fiscal year 1915. Mr. President, I do not believe that that is a correct statement of conditions. I think it is true that the money appropriated for the fiscal year 1915 would not revert to the Treasury if there was any legitimate claim upon it originating during the year 1915; but there was no legal claim against the department. Now they are trying to make a gift of a million and a half or three million dollars to men who can not go into any court and assert their claim to the money and maintain it, and it is being done on an appropriation bill; and that is the very purpose of the inclusion in the Senate rules of the various paragraphs of Rule XVI.

That is all I have to say about it. This thing has been tried before and has failed. It is true that a year ago it was so plain that nobody contended against the point of order. Now it is sought by all devices to justify this committee in placing a private claim or a number of private claims in an appropriation bill.

The PRESIDING OFFICER. The Chair understands that, inasmuch as an objection has been made to the division of the

question, the point of order stands as a point of order against the entire amendment by reason of the frailty in the particular clause to which the Senator has directed attention.

Mr. BRYAN. Mr. President, would I not have a right to make a point of order against this particular part of it?

The PRESIDING OFFICER. The present occupant of the chair does not so understand the rule. The present occupant of the chair understands that no point of order can be made against a part of an amendment. The point of order must be made against the amendment.

Mr. BRYAN. Then I make it against the whole amendment; but I suggest—

The PRESIDING OFFICER. The Chair submits to the Senate the point of order made by the Senator from Florida.

Mr. SMOOT. Mr. President—

Mr. BRYAN. Let me prefer a unanimous request, then. I have never understood that to be the rule here. I ask unanimous consent that the Chair be allowed to pass on the point of order raised as to the last proviso in this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. POINDEXTER. I object.

The PRESIDING OFFICER. Objection is made.

Mr. BRYAN. Mr. President, that puts us in a remarkable position. You can have a part of an amendment that is unobjectionable and a part that is subject to a point of order, and the whole thing stands or falls together. I have never understood that to be the rule.

The PRESIDING OFFICER. The Chair would be very glad to be corrected if his opinion is wrong, but it appears to him that the language of the rule is perfectly plain, that a point of order must be directed against an amendment. Only one amendment is here proposed.

Mr. SMOOT. Mr. President, I think the Chair is perfectly correct in ruling on the latter point. I am in sympathy with the payment of these rural carriers as provided for in the last proviso, and I am in sympathy also with the amendment offered by the committee, but I am quite sure that if the amendment passes in the form it is now it would be impossible for the comptroller to pass upon the claims and pay the rural carriers under the provisions of the amendment.

There is no question but that every unexpended balance of an appropriation made by Congress has to be reappropriated before it can be used. The amount must be reappropriated before the Treasury of the United States can pay it out. We are not doing that in this amendment, and if we pass the amendment there will be a disappointment. I would rather see the chairman—

Mr. HARDWICK. Will the Senator yield to me for a moment?

Mr. SMOOT. I will yield in just a moment. I would rather see the chairman of the committee withdraw the last proviso and act upon the forepart of the amendment, and then let the Senate take care of an appropriation for the rural carriers in the next deficiency appropriation bill.

Mr. HARDWICK. Let me just ask this question. I understand that there is force in some of his objections. Would this language make it any better, in the Senator's mind, to substitute for the part the Senator from Florida is particularly directing his attention to—

That the unexpended balance, or so much thereof as may be necessary, appropriated for the pay of rural carriers for the fiscal year ended June 30, 1915, is hereby reappropriated.

Mr. SMOOT. I think that added to the proviso would greatly strengthen it, and I think that more than likely it would authorize the payment of the unexpended balance. I think if we are going to act the suggested amendment should be added.

Mr. HARDWICK. I will move to add it to the proviso.

Mr. SMOOT. The Senator means, to add the words the Senator has just read.

Mr. HARDWICK. Adding them at the end of line 18.

Mr. SMOOT. That is as I understand it.

Mr. HARDWICK. Would not that cure the objection the Senator has in mind?

Mr. SMOOT. It cures it, because I think that it would authorize the payment of the unexpended balance, and I do not believe we ought to pass any legislation when we know that balance can not be paid under it.

Mr. HARDWICK. In order to obviate the difficulty the Senator has about a dangerous precedent, and that doubtless many other Senators here might have on both sides of the Chamber, we will offer that as soon as we get through with this proposition, That will cure it, I am sure.

Mr. SMOOT. Then I have no further objection.

Mr. BRYAN. Then let us have it in the entirety, and I raise the point of order against the whole of the amendment. It is clear that this part of it is subject to a point of order.

Mr. POINDEXTER. Mr. President, I wish to make one remark upon the point of order. The entire argument of the Senator from Florida, of course, is based upon the assumption that we are dealing only with a general appropriation bill. If that were the case, I would have no objection to a point of order, because there is no exception in the rule of the Senate which prohibits general legislation on general appropriation bills.

But the situation is quite different here, for the part of the measure that we are speaking of now is not an appropriation bill at all. It seems to be generally conceded that this portion of the bill coming from the House is general legislation, and unless we are to apply Rule XVI of the Senate without exception we must be free to deal with the subject matter of the proposition which was sent to the Senate by the House according to its nature. That is legislation relative to changing the law on the subject of the establishment of rural routes and the payment of rural carriers. It has nothing to do with a general appropriation bill.

Mr. BRYAN. Of course the Senator from Washington can not take that position. This is a general appropriation bill and this is an amendment offered to such a bill.

Mr. POINDEXTER. That is very true, but we can draw a distinction between a general appropriation bill in those parts which provide for general appropriations and something that is hitched to it by the House of Representatives which does not provide for a general appropriation and has no relation to it.

The PRESIDING OFFICER. The question is, Shall the point of order raised by the Senator from Florida be sustained?

Mr. KERN. I have an amendment to offer.

Mr. HARDWICK. If the Senator will pardon me, his amendment will be in order after we dispose of this point of order.

The PRESIDING OFFICER. Those who believe that the point of order should be sustained will say aye. [Putting the question.] Contrary, no. The noes appear to have it.

Mr. BRYAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JONES (when his name was called). I have a pair for this evening with the junior Senator from Virginia [Mr. SWANSON]. Not knowing how he would vote on this question, I withhold my vote.

Mr. SAULSBURY (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. COLT], who is absent, and I therefore withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire to announce the absence of my colleague [Mr. SMITH of Michigan], who is paired with the junior Senator from Missouri [Mr. REED].

The PRESIDING OFFICER (when the name of Mr. WALSH was called). I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Arkansas [Mr. ROBINSON] and vote "yea."

The roll call was concluded.

Mr. CLARK of Wyoming. I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote.

Mr. OVERMAN. I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. In his absence I withhold my vote.

Mr. JOHNSON of Maine (after having voted in the affirmative). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. I transfer that pair to the junior Senator from Indiana [Mr. TAGGART] and allow my vote to stand.

Mr. MARTIN of Virginia. I wish to announce that the Senator from Kentucky [Mr. BECKHAM] is paired with the Senator from Delaware [Mr. DU PONT], and also that the Senator from West Virginia [Mr. CHILTON] is paired with the Senator from New Mexico [Mr. FALL].

Mr. OVERMAN. I transfer my pair with the Senator from Wyoming [Mr. WARREN] to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. ASHURST. I rise to announce the unavoidable absence of my colleague [Mr. SMITH of Arizona], who is detained by reason of illness in his family.

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GORR] to my colleague [Mr. SMITH of South Carolina] and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from North Dakota [Mr. McCUMBER] with the Senator from Colorado [Mr. THOMAS];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE];

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS]; and

The Senator from New Hampshire [Mr. GALLINGER] with the Senator from New York [Mr. O'GORMAN].

The result was announced—yeas 13, nays 37, as follows:

#### YEAS—13.

Borah	Johnson, Me.	Lee, Md.	Williams
Bryan	Johnson, S. Dak.	Smoot	
Gore	Kern	Tillman	
Husting	La Follette	Walsh	

#### NAYS—37.

Ashurst	Harding	Norris	Smith, Ga.
Bankhead	Hardwick	Oliver	Sterling
Brady	Hitchcock	Overman	Thompson
Broussard	James	Page	Townsend
Chamberlain	Lane	PoinDEXTER	Vardaman
Clapp	McLean	Shafroth	Weeks
Culberson	Martin, Va.	Sheppard	Works
Cummins	Martine, N. J.	Sherman	
Curtis	Myers	Shields	
Fletcher	Nelson	Simmons	

#### NOT VOTING—45.

Beckham	Gronna	Owen	Smith, S. C.
Brandegge	Hollis	Penrose	Stone
Catron	Hughes	Phelan	Sutherland
Chilton	Jones	Pittman	Swanson
Clark, Wyo.	Kenyon	Pomerene	Taggart
Clarke, Ark.	Lea, Tenn.	Ransdell	Thomas
Colt	Lewis	Reed	Underwood
Dillingham	Lippitt	Robinson	Wadsworth
du Pont	Lodge	Saulsbury	Warren
Fall	McCumber	Smith, Ariz.	
Gallinger	Newlands	Smith, Md.	
Goff	O'Gorman	Smith, Mich.	

The PRESIDING OFFICER. So the point of order is overruled.

Mr. HARDWICK. Mr. President, I desire to offer the following amendment to come in after the words "nineteen hundred and fifteen," in line 18, page 34.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 34, line 18, after the words "nineteen hundred and fifteen," insert:

And that the unexpended balance, or so much thereof as may be necessary, appropriated for the pay of rural carriers for the fiscal year ended June 30, 1915, is hereby reappropriated.

Mr. BRYAN. Mr. President, I raise a point of order against the amendment.

The PRESIDING OFFICER. The Senator from Florida will state his point of order.

Mr. BRYAN. No estimate has been made for it. Therefore it is vulnerable under paragraph 1 of Rule XVI. This is an appropriation of money and—

No amendments shall be received—

Says the rule—

to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation—

And so forth.

Mr. HARDWICK. Mr. President—

The PRESIDING OFFICER. The Chair will hear the Senator from Georgia.

Mr. HARDWICK. I do not care to discuss it again. This is an amendment I have offered in accordance with the suggestion of the Senator from Utah [Mr. Smoot], which I thought was sound to avoid some troubles which might grow out of the language used. I think it ought to be adopted. There is exactly the same parliamentary question involved in it that was involved in the other matter, and I can not see why there should be any prolongation either of debate or fight upon the point.

Mr. SMOOT. It was not estimated for because of the fact that it had already been appropriated for and the amendment is simply reappropriating money already estimated for. Therefore, Mr. President, I hardly think that the question raised by the Senator from Florida is—

Mr. HARDWICK. There may be that difference between it and the other point of order, but outside of that it is the same.

Mr. SMOOT. That is the only difference there is.

Mr. BRYAN. That will not do. It says "is hereby appropriated." What are we doing? We are appropriating money. That is all there is to it.

The PRESIDING OFFICER. The Chair is constrained to sustain the point of order.

Mr. BRYAN. Mr. President, before the vote is taken upon the amendment, inasmuch as considerable criticism was made of the Post Office Department and its handling of the rural service, in justice to that Department I should like to put in the RECORD in a brief way what has been done for the benefit of the rural service of this country.

During President Taft's administration there were established 2,010 additional rural routes. During this administration there have been established 2,781 additional rural routes.

On March 1, 1913, there were 2,657 petitions pending for the establishment or extension of rural-route service. On April 1, 1916, there were only 741 petitions pending.

On March 1, 1913, the number of families served in the United States was 5,060,491. On April 1 this year there were being served 5,710,487 families, an increase of 649,996 families and an increase of the population served of between three and five million.

In the State of Georgia there were families served on March 1, 1913, 261,783. On the 1st of April, 1916, there were 290,623 families served, or an increase of 28,840 people, or an increase in the population served of nearly 150,000.

I ask, Mr. President, that this table showing the service in each of the States may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table referred to is as follows:

*Rural mail service.*

State.	Number of families served Mar. 1, 1913.	Number of families served Apr. 1, 1916.	Increase.
Alabama.....	169,853	200,532	30,679
Arizona.....	2,434	4,086	1,652
Arkansas.....	71,505	101,376	29,871
California.....	80,543	98,151	17,608
Colorado.....	22,395	29,396	7,001
Connecticut.....	37,172	42,506	5,334
Delaware.....	11,549	12,274	725
District of Columbia.....	2,467	2,890	423
Florida.....	30,864	43,913	13,049
Georgia.....	261,783	290,623	28,840
Idaho.....	17,516	25,213	7,697
Illinois.....	273,521	286,381	12,860
Indiana.....	238,427	250,102	11,675
Iowa.....	212,596	224,201	11,605
Kansas.....	161,951	170,972	9,021
Kentucky.....	118,876	138,933	20,057
Louisiana.....	32,769	51,811	19,041
Maine.....	50,127	52,844	2,717
Maryland.....	57,679	61,089	3,410
Massachusetts.....	42,098	47,499	5,401
Michigan.....	223,415	233,982	10,567
Minnesota.....	142,818	157,468	14,650
Mississippi.....	118,836	150,703	31,867
Missouri.....	217,418	243,262	25,844
Montana.....	6,972	11,900	4,928
Nebraska.....	96,851	109,287	12,436
Nevada.....	362	414	52
New Hampshire.....	23,346	25,113	1,767
New Jersey.....	40,185	50,041	9,856
New Mexico.....	1,525	2,736	1,211
New York.....	216,074	234,711	18,637
North Carolina.....	198,176	219,580	21,404
North Dakota.....	37,823	45,149	7,326
Ohio.....	309,008	330,534	21,526
Oklahoma.....	113,854	137,656	23,802
Oregon.....	31,345	38,899	7,554
Pennsylvania.....	250,250	279,879	29,629
Rhode Island.....	6,629	7,466	835
South Carolina.....	125,599	148,345	22,746
South Dakota.....	43,833	50,254	6,421
Tennessee.....	228,810	257,794	28,984
Texas.....	283,045	323,993	40,948
Utah.....	10,862	14,636	3,774
Vermont.....	29,516	31,050	1,534
Virginia.....	125,324	158,244	32,920
Washington.....	49,144	57,645	8,501
West Virginia.....	46,863	57,581	10,718
Wisconsin.....	175,407	195,479	20,072
Wyoming.....	1,085	1,894	809
Total.....	5,060,491	5,710,487	649,996

Mr. KERN. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 33, line 22, insert the following proviso:

*Provided*, That nothing contained in this section shall in any way affect automobile routes already established where good and efficient service satisfactory to the postmasters at the points of distribution of the mail to be delivered is being rendered. Nor shall the provisions of this section apply to rural carriers who have been heretofore appointed and who have purchased or contracted for automobiles intended and designed for use in such Rural Delivery Service.

Mr. HARDWICK. Mr. President, I have no desire for the present to address myself strictly to the amendment proposed by the Senator from Indiana [Mr. KERN]. I do not know that I am particularly opposed to it. There is a good deal of justice in some of the things he says, and as far as I am concerned, while I am not going to advocate it, I am not particularly opposed to it.

I want to say just one word in reference to the statement of the Senator from Florida. I do not want anybody on either side of the Chamber to misunderstand the attitude of either of the Senators from Georgia. I quite agree that since this administration began and up to 12 months ago, when it undertook this reorganization, it had given us a splendid Rural Delivery Service. Petitions that were years old have been favorably acted on, and until we got into this difficulty with the Post Office Department as to the pay of these rural carriers we had no trouble whatever. I am going to be perfectly plain about it. The department would not carry out the real intent of Congress on that subject. Up to that time the Post Office Department had increased the Rural Delivery Service and was administering it in a perfectly satisfactory manner. I fully endorse what the Senator from Florida said in that respect, but I do say this: When the department undertook the readjustment of the service about a year ago, it seems to me that because of the fact that Congress thought these carriers ought to have more pay one division of the service particularly undertook to take it out upon the Rural Delivery Service.

In my State they not only established automobile routes most improvidently and most unwisely by scores and hundreds, but they lengthened horse-drawn vehicle routes 24 and 25 miles long to 30 miles and in some cases to 31 and 32 miles, and made them so long that they could no longer render the efficient service that had been rendered in the past.

That is my complaint about this so-called reorganization. It is not directed to the general policy nor to any of the acts of the department prior to this recent reorganization, which we are trying now to stop.

I do not want to be misunderstood about it. I have no feeling whatever in the matter. Some conduct of the Fourth Assistant Postmaster General does not appeal to either Democratic or Republican members of the committee. At a later time and in a different way, and on a different occasion, I expect to call the attention of the Senate to that in more detail. I have no feeling whatever against the service, against the administration, or against the department on account of any of these occurrences. We are simply trying to improve the service, and it is my honest and humble judgment that there is not a provision in the amendment the committee unanimously agreed upon, and that the Senate I hope and believe will sustain, that is not directed to the very best interests of the service, and will not immeasurably improve the efficiency and morale of the service in every particular.

I do not want any Senator on this side or the other side to think that there is anything in the amendment suggested by the committee that has grown out of the slightest feeling, personal or otherwise, that any member of the Senate committee might have against the Fourth Assistant Postmaster General. That is not true. This is an amendment drawn in good faith to secure what we believe will secure the best possible service to the rural population of the United States, and that is all there is to it. There is nothing beyond that or besides that in the mind or action of the committee.

As far as the amendment proposed by the Senator from Indiana is concerned, while I have no authority from the committee to accept it I have no objection, if the Senator wants to insist upon it, to putting it in and letting the conference work it out. I do not know in what form it can be worked out. If the Senator from Alabama, who is in charge of the bill, does not raise any objection to it, I shall raise no objection.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Indiana [Mr. KERN].

The amendment was agreed to.

The PRESIDING OFFICER. The Chair suggests to the Senator in charge of the bill that in view of the adoption of this amendment the word "further" ought to be inserted after the word "Provided" in line 22.

Mr. HARDWICK. Yes; the word "further" ought to be inserted after the next word "Provided," as the Chair suggests.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARDWICK. Has the amendment reported by the committee been voted upon yet?

The PRESIDING OFFICER. It has not. The question is on the amendment offered by the committee as amended.

The amendment as amended was agreed to.

The next amendment was, on page 34, line 20, after the words "third class," to strike out "\$200,000" and insert "\$250,000," so as to make the clause read:

For village delivery service in towns and villages having post offices of the second or third class, \$250,000.

Mr. BRYAN. I move to strike out lines 19, 20, and 21, which strikes out the entire appropriation. This is the outgrowth of a policy established two or three years ago.

The PRESIDING OFFICER. The understanding of the Chair is that amendments on the floor are not now in order, as the Senate is proceeding to consider the committee amendments. So the Chair is obliged to rule that the amendment of the Senator from Florida is not now in order.

Mr. BRYAN. I oppose the increase of the appropriation. We began four or five years ago making an appropriation of \$50,000 for experimental village-delivery service and that language has remained in the law until this year. The House has stricken out the word "experimental" and it now reads "for village-delivery service." Of course that is better because there is no experiment about the proposition as to whether a man can take a mail sack down the street of a village and deliver mail out of it. The Post Office Department has never asked for it. It has been increased over the objection of the department from \$50,000 to \$100,000 and from \$150,000 to \$200,000, and now the Senate committee wants to increase it to a quarter of a million dollars.

The Post Office Department say that, while they do not want it, they have used the appropriation to establish a village service in one village in each congressional district. That necessarily means, Mr. President, that other villages of the same population will also demand this service, and they will have justice behind their demands. When you establish the service in one village in each congressional district and begin to multiply it, then what have you done? You have then established a delivery service in every village. Then you have increased your appropriations for this service until they will amount to as much as the cost of the Rural Delivery Service in this country.

It seems to me it would be a good idea to stop it now when it is so small. They have just about gotten around, I understand, so that there is one in most of the congressional districts in the country. The Post Office Department in every hearing has protested against having this money. As I said before, it is no experiment; it is simply done to favor a village or a town in a district. Of course, when that town is taken care of other towns similarly situated will make the same appeal.

I hope the amendment of the committee will not be agreed to. The Post Office Department, of course, did not estimate for it, but the committee have the right to increase the appropriation.

Mr. HARDWICK. The department estimated \$200,000.

Mr. BRYAN. They estimated \$200,000, but they did not estimate for this extra \$50,000. The committee merely felt generous, felt rich, and put it in the bill; that is all. They had a right to do it; there is no point of order about it. It is just simply a policy that ought to be stopped now when it has not grown to such proportions that it will be impossible to stop it.

Mr. BANKHEAD. Mr. President, this item in the appropriation bill has been carried for a number of years. It is true that there has been an increase from the original appropriation, which was \$50,000. It is true the Post Office Department estimates \$200,000, but the committee thought this service was of such a character, that it was so important, and that there was such a demand for its extension, that they might very well recommend an increase of \$50,000 in the appropriation.

For myself, Mr. President, I hope that the Congress of the United States will continue to increase this appropriation. I think that there are a great many towns in the country too small to receive delivery service under existing law, which are entitled to benefits of this character. Of course they can not all be established at once; but there can be no objection, as I see it, to gradually increasing this appropriation, when there is such a demand for it and when the benefits that accrue from it are so universally recognized. I hope, therefore, the amendment will stand.

Mr. HITCHCOCK. Mr. President, before the Senator from Alabama takes his seat, I should like to ask what is now the dividing line? What towns receive the city delivery as a matter of right?

Mr. BANKHEAD. Under the operation of this appropriation, my understanding is that the towns must have a population of 5,000. Of course, for city delivery they must have 10,000, and they must also have \$10,000 of postal receipts. Under the provisions of this bill, village-delivery service is limited to towns having 5,000 population, but there is no limit, as I understand, as to the postal receipts.

Mr. HITCHCOCK. Then, any city with less than 10,000 population has no city delivery?

Mr. HARDWICK. If the Senator will pardon me, the limitation is \$5,000 annual receipts. Any town or village with annual postal receipts of as much as \$5,000 can get this delivery where it is not entitled to city delivery under the postal regulations.

Mr. HITCHCOCK. First, I want to ascertain what towns are entitled to city delivery?

Mr. HARDWICK. Such towns in each State as have more than \$5,000 receipts and are not entitled to city delivery, as are designated by the Post Office Department.

Mr. HITCHCOCK. No; I am first asking what towns are entitled to city delivery?

Mr. HARDWICK. Where the receipts are over \$10,000 and the population is over 10,000.

Mr. HITCHCOCK. Then, any town with less than 10,000 population and with less than \$10,000 of annual receipts is not entitled to city delivery?

Mr. BANKHEAD. That is right.

Mr. HITCHCOCK. This paragraph proposes, as a matter of favor, to extend the service to some of the towns that have 5,000 population?

Mr. HARDWICK. No; which have \$5,000 of postal receipts.

Mr. HITCHCOCK. Five thousand dollars of postal receipts; and how much population?

Mr. HARDWICK. There is no requirement as to population.

Mr. HITCHCOCK. Then it is a matter of favor to be decided by the Postmaster General?

Mr. HARDWICK. Mr. President, let me go over the ground for just a minute. In a city entitled to city delivery there must either be 5,000 population or \$10,000 annual postal receipts. This provision is for a class of towns and villages that do not come up to those requirements, and yet that do have as much as \$5,000 of annual postal receipts. It covers a class of villages and of small towns.

Of course, the Senator understands that this is experimental legislation in a way; I think this is the first year that the words "experimental village delivery" have been left out of this legislation. We have been experimenting with it; we have used just two or three cities and smaller towns in each congressional district; a few in each State; one or two to the congressional district. Usually, on the recommendation of the Senators and Representatives to the department, these towns have been selected. The idea of the committee in increasing this appropriation was that the experiment has proven successful; that all of these cities and villages ought to have this delivery down to the \$5,000 limit as rapidly as it can be supplied and the postal funds will authorize. We believe, as the Senator suggested, that there ought to be no favoritism about it, and that as rapidly as possible we ought to give all the towns within these limits village delivery.

Mr. HITCHCOCK. Mr. President, what I am really trying to get at is, What limitation is placed upon the discretionary power of the Postmaster General? May he give this service to any village or may he only give it to some villages of a certain population or a certain business?

Mr. HARDWICK. He can give it to any town that has as much as \$5,000 of annual postal receipts.

Mr. TOWNSEND. Within the limits of the appropriation.

Mr. HARDWICK. Within the limits of the appropriation, of course.

Mr. HITCHCOCK. What logical reason is there for denying the city delivery to all towns?

Mr. HARDWICK. I am glad to hear the Senator ask that question. In reply, I will say that I do not think there is any reason for it. I think, as rapidly as we can possibly do it, we ought to extend this village delivery to every one of the towns in the United States that come within these limits. That is the reason your committee increased the amount. We want to accomplish that as fast as we can.

Mr. HITCHCOCK. Is there any estimate of the number of towns or the amount of appropriation that would be necessary to make this service universal?

Mr. HARDWICK. No, sir; but we know enough to know that it is a very large proposition. We can not get to it except gradually, as the postal funds will authorize, as certain economies are effected in other branches of the service and as revenues are provided for in other ways. We know that it can not be done at once; we do not believe it ought to be dropped. Wherever this service has been established the testimony is universal that it is a great success, and we want to continue it and extend it.

Mr. HITCHCOCK. Are there any restrictions or limitations on the bestowal of the delivery connected with buildings and sidewalks? I have in mind that at times postal facilities have been

refused to towns because they were without adequate pavements or sidewalks. What is the law on that subject?

Mr. HARDWICK. I will quote from the hearings. The towns must have \$5,000 annual postal receipts—not less than that. They must also have street lights, pavements, house numbers, signs on the street corners, and private mail receptacles. What happens is this: If one of these towns is designated by the Postmaster General in any State to receive this service, the department at once inquires about these things. If it has not got them, the department requires the town to put them up or to provide street names, numbers, and so on, and reasonably good pavements before they will undertake to establish free delivery; but if they will not put the streets in proper condition the department will give the service to some other town possessing the necessary qualifications and willing to comply with the departmental requirements.

Mr. CUMMINS. Mr. President, I want to ask the Senator from Georgia a question. In replying to the Senator from Nebraska [Mr. HITCHCOCK] the impression may have been received that the requirements just stated are requirements of the law.

Mr. HARDWICK. That is not true. They are requirements of the Post Office Department.

Mr. CUMMINS. They are simply regulations that can be changed at any time.

Mr. HARDWICK. Yes; they are regulations of the Post Office Department.

Mr. CUMMINS. How many towns and villages are there in the United States having second or third class post offices?

Mr. HARDWICK. I do not know that I can answer that question. I can probably get the information accurately for the Senator, but I have not got it right now.

Mr. CUMMINS. Has the Senator from Georgia any information in regard to what it would cost if all the towns and villages of the country were served by letter carriers?

Mr. HARDWICK. We have not; we have had no estimates of that kind. Therefore we did not undertake to increase this appropriation largely. I will say, however, answering the question of the Senator from Iowa, that it appears that there are 533 first-class post offices in the United States and 2,138 second-class post offices. All of those are entitled, as I understand, to the city delivery under the law. There are 6,249 third-class post offices, and most of those, not all of them—I do not know what per cent of them, but, anyhow, a considerable per cent of the post offices embraced in that class—might come within the postal regulations and be entitled to this village delivery service. The committee does not know how many, because we did not feel able at the present time to undertake a great extension of this service.

Mr. CUMMINS. I dismiss the regulations, because they can be changed at any moment.

Mr. HARDWICK. Of course.

Mr. CUMMINS. Does the Senator say that every second-class office is entitled to city delivery?

Mr. HARDWICK. I think so.

Mr. CUMMINS. I do not so understand it.

Mr. HARDWICK. I think, if the Senator will investigate the matter, he will find that that is true.

Mr. CUMMINS. I wish I knew about what it would cost to furnish this service to all of the towns and villages, because I think that one is just as much entitled to it as is another; and if I were making the regulation I would a great deal rather give it to those towns that have no sidewalks or street lights, than to towns that have sidewalks and street lights, because it is more difficult for the people to reach the post offices in such towns and villages.

I think the Senator from Georgia ought to remember that it is one of the time-honored privileges of the citizens of a town or village to gather at the post office in order to get their mail. I really think there is more interchange of social thought and political thought, too, when these people come once or twice a day to the post office than we often give credit for. I doubt very much the wisdom of the United States delivering the mail in small places to the residences of the people who can with a very few steps reach the post office. Why does the Senator from Georgia think it ought to be done?

Mr. HARDWICK. I will tell the Senator why. We have tried it in the town where I live, which is a town of about 3,000 inhabitants, and everybody there is delighted with the service. Like most towns of that size, the houses are scattered probably a mile from the center of activities where the post office and courthouse are located, and some people live a good distance from the post office. A great many towns and villages would like to get this service. I have never heard of a village anywhere—North, East, South, or West—that did not want to get

it, certainly not in the section of country from which I come. I can not see why such postal facilities should not be extended to the people of towns and villages as fast as we can supply the funds to do it as well as to the people living in rural sections and the people in the larger towns. It is only a question of having the money, and I do believe that it is one of the most desirable services to the development of which the Post Office Department can direct its future activities.

Mr. CUMMINS. I had not thought of the question very deeply, but if one town is entitled to it they are all entitled to it.

Mr. HARDWICK. I quite agree with the Senator.

Mr. CUMMINS. And I do not think there ought to be any discrimination.

Mr. HARDWICK. I quite agree with the Senator, and that is why we are increasing the appropriation. We know, of course, that the amount we have appropriated will not anything like serve all the towns.

Mr. CUMMINS. Why does not the committee appropriate more, then?

Mr. HARDWICK. I will tell the Senator. We hope to do so, after awhile, but we will have to get more information than we have, and I am afraid we will have to get more money than we have. I think those are two good reasons. We do not know how much it will take and we do not know that we have not got enough money to do it right now.

The PRESIDING OFFICER. The question is on the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 35, after line 9, to strike out:

Sec. 2. That the third proviso of the act of May 4, 1882 (22 Stats. L., ch. 116, p. 54), be amended as follows:

"If any person shall hereafter perform any service for any contractor or subcontractor in carrying the mail, he shall, upon filing in the department his contract for such service and satisfactory evidence of its performance, thereafter have a lien on any money due such contractor or subcontractor for such service to the amount of same; and if such contractor or subcontractor shall fail to pay the party or parties who have performed service as aforesaid the amount due for such service within two months after the expiration of the month in which such service shall have been performed the Postmaster General may cause the amount due to be paid said party or parties and charged to the contractor: *Provided*, That such payment shall not in any case exceed the rate of pay per annum of the contractor or subcontractor."

Sec. 3. That whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established or new service required, or when, from any other cause there shall not be a contractor legally bound or required to perform such service, the Postmaster General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding one year, until the service shall have commenced under a contract made according to law: *Provided*, That the cost of temporary service rendered necessary by reason of the failure of any accepted bidder to enter into contract or a contractor to perform service shall be charged to such bidder or contractor.

Sec. 4. That whenever in the judgment of the Postmaster General the bids received for any star route are exorbitant or unreasonable, or whenever he has reason to believe that a combination of bidders has been entered into to fix the rate for star-route service, the Postmaster General be, and he is hereby, authorized, out of the appropriation for inland transportation by star routes, to employ and use such means or methods to provide the desired service as he may deem expedient, without reference to existing law or laws respecting the employment of personal service or the procurement of conveyances, materials, or supplies.

Sec. 5. That section 3949 of the Revised Statutes be amended to read as follows:

"All contracts for carrying the mail shall be in the name of the United States and shall be awarded to the lowest bidder tendering sufficient guarantees for faithful performance in accordance with the terms of the advertisement: *Provided, however*, That such contracts require due celerity, certainty, and security in the performance of the service; but the Postmaster General shall not be bound to consider the bid of any person who has willfully or negligently failed to perform a former contract."

Sec. 6. That the limit of weight of mail matter of the first class shall be the same as is applicable to mail of the fourth class: *Provided*, That no article or package exceeding 4 pounds in weight shall be admitted to the mails under the penalty privilege unless it comes within the exceptions named in the acts of June 8, 1896 (ch. 370, 29 Stats. L., p. 262), and June 26, 1906 (ch. 3546, 34 Stats. L., p. 477).

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. SMOOT. Just a moment. I should like some information in regard to the amendment.

Mr. BANKHEAD. For the information of the Senator I will say that the sections stricken out have already been enacted into law in the postal savings act.

Mr. SMOOT. I was going to ask if that was not the case.

Mr. BANKHEAD. All of these sections which are stricken out in the bill—sections 2, 3, 4, 5, 6, 8, 9, 11, 13, and 14—have been enacted into law.

Mr. GALLINGER. Mr. President, I have been absent for a little time and have not kept very close watch on the proceed-

ings of Congress. I will ask the Senator the status of the postal savings bank bill. Has it become a law?

Mr. BANKHEAD. It has become a law, having been approved by the President.

Mr. GALLINGER. And these sections are in the law?

Mr. BANKHEAD. All the sections stricken out are in that law.

Mr. HUSTING. I should like to have the question stated. I do not understand what the question is. I will ask the Secretary to read the amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The Secretary again stated the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed, and the Secretary read as follows:

SEC. 7. That so much of section 1 of the "Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, which provides that the Post Office Department shall not extend or enlarge its present policy of sending second-class matter by freight trains, is hereby repealed.

Mr. ASHURST. Mr. President, in the course of the progress of the bill I observe that we have reached section 7. I desire to submit some observations on a motion I have previously entered with reference to striking out that section. I will ask the distinguished chairman of the committee if he would deem this an appropriate time for me to make the motion and discuss that question, or does he wish to proceed otherwise?

Mr. BANKHEAD. I prefer, Mr. President, to go right along with the bill. We might as well consider section 7 now as at any other time. I do not see any necessity for passing it over.

Mr. ASHURST. I desire, of course, to yield to the wishes of the chairman of the committee.

Mr. SMOOT. Mr. President, the committee amendments were to be considered first.

The PRESIDING OFFICER. The Chair is advised that—

Mr. BANKHEAD. I think, perhaps, we had better complete the committee amendments before section 7 is taken up. I overlooked the fact that the committee amendments were to be first considered.

The PRESIDING OFFICER. The Chair is advised that an agreement has been made to that effect. The Secretary will state the next amendment reported by the committee.

The next amendment reported by the Committee on Post Offices and Post Roads was, on page 38, after line 8, to strike out:

SEC. 8. That section 2 of the act of April 28, 1904 (ch. 1759, 33 Stat. L., p. 440), be, and the same is hereby, amended to read as follows:

"That under such regulations as the Postmaster General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails it shall be lawful to accept for transmission in the mails without postage stamps affixed quantities of not less than 500 identical pieces of third-class matter and of second-class matter mailed at the special rates of 1 cent and 2 cents a copy, and 250 identical pieces of fourth-class matter and packages of money and securities mailed under postage at the first or fourth class rate by the Treasury Department: *Provided*, That postage shall be fully prepaid thereon at the rate required by law for a single piece of such matter."

SEC. 9. That postage stamps affixed to all mail matter or to stamped envelopes in which the same is inclosed shall, when deposited for mailing or delivery, be defaced by the postmaster at the mailing office: *Provided*, That when practicable postage stamps may be furnished to postmasters precanceled by printing on them the name of the post office at which they are to be used, under such regulations as the Postmaster General may prescribe.

The amendment was agreed to.

The next amendment was, on page 39, after line 8, to strike out:

SEC. 10. That the Postmaster General, in cases of emergency, between October 1 and April 1 of any year, may hereafter return to the mails empty mail bags theretofore withdrawn therefrom as required by law, and for such times may pay for their railroad transportation out of the appropriation for inland transportation by railroad routes at not exceeding the rate per pound per mile as shown by the last adjustment for mail service on the route over which they may be carried, and pay for necessary cartage out of the appropriation for freight or expressage.

The amendment was agreed to.

The next amendment was, on page 39, after line 18, to strike out:

SEC. 11. That the act of March 4, 1909 (chap. 321, sec. 198, 35 Stats., p. 1126), be amended to read as follows:

"Whoever shall willfully or maliciously injure, tear down, or destroy any letter box or other receptacle intended or used for the receipt or delivery of mail on any mail route or shall break open the same, or shall willfully or maliciously injure, deface, or destroy any mail deposited therein, or shall willfully take or steal such mail from or out of such letter box or other receptacle, or shall willfully and maliciously assault any letter or mail carrier knowing him to be such while engaged on his route in the discharge of his duty as such carrier, or shall will-

fully aid or assist in any of the aforementioned offenses shall for every such offense be punished by a fine of not more than \$1,000 or by imprisonment for not more than three years."

The amendment was agreed to.

The next amendment was, on page 40, after line 21, to strike out:

SEC. 13. That so much of section 4 of an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, approved August 24, 1912, as provides that no adjustment shall be made unless the diverted mails equal at least 10 per cent of the average daily weight on any of the routes affected is hereby repealed.

The amendment was agreed to.

The next amendment was, on page 41, after line 4, to strike out:

SEC. 14. That when, during a weighing period, on account of floods or other causes, interruptions in service occur on railroad routes and weights of mail are decreased below the normal, or where there is an omission to take weights, the Postmaster General, for the purpose of readjusting compensation on such railroad routes as are affected thereby, is hereafter authorized, in his discretion, to add to the weights of mails ascertained on such routes during that part of the weighing period when conditions are shown to have been normal the estimated weights for that part of the weighing period when conditions are shown to have been not normal or where there has been an omission to take weights, based upon the average of weights taken during that part of the weighing period during which conditions are shown to have been normal, the actual weights and the estimated weights to form the basis for the average weight per day upon which to readjust the compensation according to law on such railroad routes for the transportation of the mails, notwithstanding the provision of the act of Congress approved March 3, 1905, requiring that the average weight shall be ascertained by the actual weighing of the mails for such a number of successive working days, not less than 90, as the Postmaster General may direct: *Provided further*, That readjustments from July 1, 1913, may be made under this provision on routes in the first section affected by the floods in the Ohio Valley and tributary territories, commencing about March 25, 1913.

The amendment was agreed to.

The next amendment was, in section 16, page 42, line 22, after the word "directed," to strike out:

To readjust the compensation to be paid to railroad companies from and after the 30th day of June, 1916, or as soon thereafter as may be practicable, for the transportation and handling of the mails and furnishing facilities and services in connection therewith upon the conditions and at the rates hereinafter provided.

The Postmaster General may state railroad mail routes and authorize mail service thereon of the following four classes, namely: Full railway post-office car service, apartment railway post-office car service, storage-car service, and closed-pouch service.

Full railway post-office car mail service shall be service by cars 40 feet or more in length, constructed, fitted up, and maintained for the distribution of mails on trains. The authorizations of full railway post-office cars shall be for standard sized cars 60 feet in length, inside measurement, except as hereinafter provided.

Apartment railway post-office car mail service shall be service by apartments less than 40 feet in length in cars constructed, fitted up, and maintained for the distribution of mails on trains. Two standard sizes of apartment railway post-office cars may be authorized and paid for, namely, apartments 15 feet and 30 feet in length, inside measurement, except as hereinafter provided.

Storage-car mail service shall be service by cars used for the storage and carriage of mails in transit other than by full and apartment railway post-office cars. The authorizations for storage cars shall be for cars 60 feet in length, inside measurement, except as hereinafter provided: *Provided*, That less than 60 feet of storage space may be authorized in baggage cars.

Service by full and apartment railway post-office cars and storage cars shall include the carriage therein of all mail matter, equipment, and supplies for the mail service and the employees of the Postal Service or Post Office Department, as shall be directed by the Postmaster General to be so carried: *Provided*, That no parcel-post package shall exceed 50 pounds in weight.

Closed-pouch mail service shall be the transportation and handling by railroad employees of mails on trains on which full or apartment railway post-office cars are not authorized, except as hereinafter provided.

The rates of payment for the services authorized in accordance with this act shall be as follows, namely:

For full railway post-office car mail service at not exceeding 21 cents for each mile of service by a 60-foot car.

In addition thereto he may allow not exceeding \$4.25 as a combined initial and terminal rate for each one-way trip of a 60-foot car.

For apartment railway post-office car mail service at not exceeding 11 cents for each mile of service by a 30-foot apartment car and 6 cents for each mile of service by a 15-foot apartment car.

In addition thereto he may allow not exceeding \$2.75 as a combined initial and terminal rate for each one-way trip of a 30-foot apartment car and \$2 as a combined initial and terminal rate for each one-way trip of a 15-foot apartment car.

For storage-car mail service at not exceeding 21 cents for each mile of service by a 60-foot car.

In addition thereto he may allow not exceeding \$4.25 as a combined initial and terminal rate for each one-way trip of a 60-foot car.

Where authorizations are made for cars of the standard lengths of 60, 30, and 15 feet, as provided by this act, and the railroad company is unable to furnish such cars of the length authorized, but furnishes cars of lesser length than those authorized, but which are determined by the department to be sufficient for the service, the Postmaster General may accept the same and pay only for the actual space furnished and used, the compensation to be not exceeding pro rata of that provided by this act for the standard length so authorized: *Provided*, That the Postmaster General may accept cars and apartments of greater length than those of the standard requested, but no compensation shall be allowed for such excess lengths.

For closed-pouch service, at not exceeding the following rates, when a 3-foot unit is authorized, a terminal charge of 50 cents for a round trip, or 25 cents for a single trip, irrespective of the distance run, and

in addition thereto a line charge at the rate of 1½ cents per mile for the authorized number of miles. When a 7-foot unit is authorized, a terminal charge of \$1 for a round trip, or 50 cents for a single trip, irrespective of the distance run, and in addition thereto a line charge at the rate of 3 cents per mile for the authorized number of miles.

The Postmaster General may require railroad companies carrying the mails to deliver them into and take them from the terminal and intermediate post offices and transfer them between railroad stations on their routes without additional compensation, under such regulations as he may deem proper, in cases where he does not provide for such service otherwise: *Provided*, That the Postmaster General in his discretion may relieve any of the roads of such service.

Railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress, on the condition that the mails should be transported over their roads at such price as Congress should by law direct, shall receive only 80 per cent of the compensation otherwise authorized by this act.

The initial and terminal rates provided for herein shall cover expenses of loading and unloading mails, switching, lighting, heating, cleaning mail cars, and all other expenses incidental to station service and required by the Postmaster General in connection with the mails that are not included in the car-mile rate. The allowance for full railway post-office cars, apartment railway post-office cars, and storage cars may be varied in accordance with the approximate difference in their respective cost of construction and maintenance.

In computing the car-miles of the full railway post-office cars and apartment railway post-office cars, the maximum space authorized in either direction of a round-trip car run shall be regarded as the space to be computed in both directions, unless otherwise mutually agreed upon.

In computing the car-miles of storage cars, the maximum space authorized in either direction of a round-trip car run shall be regarded as the space to be computed in both directions, unless the car be used by the company in the return movement, or otherwise mutually agreed upon.

New service and additional service may be authorized at not exceeding the rates herein provided, and service may be reduced or discontinued with pro rata reductions in pay, as the needs of the Postal Service may require: *Provided*, That no additional pay shall be allowed for additional service unless specifically authorized by the Postmaster General.

The Postmaster General is authorized to make special contracts with the railroad companies for the transportation of the mails where, in his judgment, the conditions warrant the application of higher rates than those herein specified, and make report to Congress of all cases where such special contracts are made and the terms and reasons therefor.

All cars or parts of cars used for the Railway Mail Service shall be of such construction, style, length, and character, and furnished in such manner as shall be required by the Postmaster General, and shall be constructed, fitted up, maintained, heated, lighted, and cleaned by and at the expense of the railroad companies. No pay shall be allowed for service by any railway post-office car which is not sound in material and construction and which is not equipped with sanitary drinking water containers and toilet facilities, nor unless such car is regularly and thoroughly cleaned. No pay shall be allowed for service by any wooden full railway post-office car unless constructed substantially in accordance with the most approved plans and specifications of the Post Office Department for such type of cars, nor for service by any wooden full railway post-office car run in any train between adjoining steel cars, or between the engine and a steel car adjoining. After the 1st of July, 1917, the Postmaster General shall not approve or allow to be used, or pay for service by, any full railway post-office car not constructed of steel or steel underframe or equally indestructible material; and all full railway post-office cars accepted for this service and contracted for by the railroad companies hereafter shall be constructed of steel. Until July 1, 1917, in cases of emergency and in cases where the necessities of the service require it, the Postmaster General may provide for service by full railway post-office cars of other than steel or steel underframe construction, and fix therefor such rate of compensation within the maximum herein provided as shall give consideration to the inferior character of construction, and the railroad companies shall furnish service by such cars at such rates so fixed.

Service over property owned or controlled by another company or a terminal company shall be considered service of the railroad company using such property and not that of the other or terminal company: *Provided*, That service over land-grant road shall be paid for as herein provided.

Railroad companies carrying mails shall furnish all necessary facilities for caring for and handling them while in their custody. They shall furnish all cars or parts of cars used in the transportation and distribution of the mails, except as is herein otherwise provided, and place them in stations before the departure of trains at such times and when required to do so. They shall provide station space and rooms for handling, distribution, and transfer of mails in transit, and for offices and rooms for the employees of the Postal Service engaged in such transportation when required by the Postmaster General.

Every railroad company carrying the mails shall carry on any train it operates and without extra charge therefor the persons in charge of the mails when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and the Postal Service, while traveling on official business, upon the exhibition of their credentials.

If any railroad company carrying the mails shall fail or refuse to provide cars or apartments in cars for distribution purposes when required by the Postmaster General, or shall fail or refuse to construct, fit up, maintain, heat, light, and clean such cars and provide such appliances for use in case of accident as may be required by the Postmaster General, it shall be fined such reasonable sum as may, in the discretion of the Postmaster General, be deemed proper.

The Postmaster General shall in all cases decide upon what trains and in what manner the mails shall be conveyed. Every railroad company carrying the mails shall carry on any train it operates, and with due speed, all mailable matter, equipment, and supplies directed to be carried thereon. If any such railroad company shall fail or refuse to transport the mails, equipment, and supplies when required by the Postmaster General on any train or trains it operates, such company shall be fined such reasonable amount as may, in the discretion of the Postmaster General, be deemed proper.

The Postmaster General may make deductions from the pay of railroad companies carrying the mails under the provisions of this act for reduction in service or infrequency of service where, in his judgment, the importance of the facilities withdrawn or reduced requires it, and impose fines upon them for delinquencies. He may deduct the price of

the value of the service in cases where it is not performed, and not exceeding three times its value if the failure be occasioned by the fault of the railroad company.

The provisions of this section shall apply to service operated by railroad companies partly by railroad and partly by steamboats.

The provisions of this section respecting the rates of compensation shall not apply to mails conveyed under special arrangement in freight trains, for which rates not exceeding the usual and just freight rates may be paid, in accordance with the classifications and tariffs approved by the Interstate Commerce Commission.

Railroad companies carrying the mails shall submit, under oath, when and in such form as may be required by the Postmaster General, evidence as to the performance of service.

The Postmaster General is authorized to employ such clerical and other assistance as shall be necessary to carry out the provisions of this section, and to rent quarters in Washington, D. C., if necessary, for the clerical force engaged thereon, and to pay for the same out of the appropriation for inland transportation by railroad routes, and hereafter detailed estimates shall be submitted for such services in the annual Book of Estimates.

The Postmaster General shall, from time to time, request information from the Interstate Commerce Commission as to the revenue received by railroad companies from express companies for services rendered in the transportation of express matter, and may, in his discretion, arrange for the transportation of mail matter other than of the first class at rates not exceeding those so ascertained and reported to him, and it shall be the duty of the railroad companies to carry such mail matter at such rates fixed by the Postmaster General.

The Postmaster General is authorized, in his discretion, to petition the Interstate Commerce Commission for the determination of a postal carload or less-than-carload rate for transportation of mail matter of the fourth class and periodicals, and may provide for and authorize such transportation, when practicable, at such rates, and it shall be the duty of the railroad companies to provide and perform such service at such rates and on the conditions prescribed by the Postmaster General.

The Postmaster General may, in his discretion, distinguish between the several classes of mail matter and provide for less frequent dispatches of mail matter of the third and fourth classes and periodicals when lower rates for transportation or other economies may be secured thereby without material detriment to the service.

The Postmaster General is authorized to return to the mails, when practicable for the utilization of car space paid and not needed for the mails, postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the Postal Service.

The Postmaster General in cases of emergency between October 1 and April 1 of any year, may hereafter return to the mails empty mail bags and other equipment theretofore withdrawn therefrom as required by law, and, where such return requires additional authorization of car space under the provisions of this section, to pay for the transportation thereof as provided for herein out of the appropriation for inland transportation by railroad routes.

The Postmaster General may have the weights of mail taken on railroad mail routes, and computations of the average loads of the several classes of cars and other computations for statistical and administrative purposes made at such times as he may elect, and pay the expenses thereof out of the appropriation for inland transportation by railroad routes.

It shall be unlawful for any railroad company to refuse to perform mail service at the rates of compensation provided by law when and for the period required by the Postmaster General so to do, and for every such offense it shall be fined not exceeding \$5,000.

After the rates specified in this section shall have been adopted the Interstate Commerce Commission shall, whenever requested by the Postmaster General or by the representatives of railroads with an aggregate mileage of at least 51 per cent of the mileage of railroads carrying mail, make an investigation of the justice and reasonableness of rates then in effect, grant hearings to parties in interest, and report to Congress at the earliest practicable date thereafter the results of such investigation, making specific findings as to whether the rates fixed herein should be increased or decreased, and if either, how much. Such report shall show for each steam railroad operating company, if practicable, the amount of mail service rendered, the cost of performing same, and a comparison of the earnings of such railroad company from the mail traffic with those from express traffic and other passenger-train traffic. For the purpose of such investigations the Interstate Commerce Commission shall have all powers which it is now authorized to exercise in the investigation of the reasonableness of rates, and the Postmaster General shall supply such information regarding the mail service as may be requested by the Interstate Commerce Commission.

That the appropriation for inland transportation by railroad routes and for railway post office car service for the fiscal year ending June 30, 1917, are hereby made available for the purposes of this section.

And in lieu thereof to insert:

From and after the passage of this act, and not less frequently than once every year, to cause the United States mails to be weighed simultaneously on all railroad mail routes for a period of 30 successive working days, and when such annual weighing is completed he shall readjust the annual compensation of railway mail pay on the basis of the average daily weight of all the mail carried on each route as ascertained by the actual weight taken, as herein provided, which readjustment shall be effective on and after the 1st day of July following such weighing: *Provided*, That such annual weighing shall only be had in those cases in which railroad companies carrying the mails shall perform the work of weighing the mails under the supervision and direction of the Postmaster General and without expense to the Government: *Provided further*, That in case any contractor for a railway mail route shall refuse or fail to perform the work of weighing without expense to the Government, then the mails on such route shall be weighed quadrennially in the manner above provided.

The Interstate Commerce Commission is hereby directed to hold hearings and to make a thorough investigation into the justness and reasonableness of existing rates of railway mail pay and of the practices and regulations of the Post Office Department in respect thereto and in regard to the service required to be performed therefor.

The commission shall also hold hearings and thoroughly investigate the so-called "space" plan and the so-called "weight" plan of railway mail pay, and any combination of the two, and any other plan that may seem to afford an accurate and fair basis for determining what compensation is just and reasonable both to the Government and the railroads for the carrying of the mails.

The commission is making such investigation shall consider efficiency and economy in service, both from the standpoint of the Government and the railroads, and shall also consider the relations existing between the railroads as public service corporations and the Government.

The commission shall not only investigate the system or plan of fixing railway mail pay but it shall also hold hearings and carefully and thoroughly investigate the question as to what rates of compensation should be allowed to the railroads under whatever plan or system is suggested or adopted.

The commission shall, as soon as possible, conduct and conclude the investigation herein provided, and report to Congress the result of its investigations, and its recommendations thereon.

For the purpose of making such investigation the Interstate Commerce Commission is hereby vested with all the powers which it is now authorized by law to exercise in the investigation of the justness and reasonableness of freight, passenger, and express rates, and the regulation of railroads and express companies, and the Postmaster General, the railroad carriers, and express companies shall supply such information regarding the railway mail pay as the Interstate Commerce Commission may request and shall be given full opportunity to be heard.

If the Postmaster General shall find on experience that the classification of articles mailable, as well as the weight limit, or the rates of postage, zone or zones, and other conditions of mailability, under section 8 of the act approved August 24, 1912, or any of them, are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby authorized to reform from time to time such classification, weight limit, rates, zone or zones, or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof: *Provided, however*, That before any change is hereafter made in weight limit, rates of postage, or zone or zones, by the Postmaster General, the proposed change shall be approved by the Interstate Commerce Commission, which is hereby directed to hold hearings and to make a thorough and independent investigation of the question for the purpose of determining whether such proposed change will promote the Parcel Post Service to the public and insure the receipt of revenue from such service adequate to pay the cost thereof.

So as to make the section read:

SEC. 16. That the Postmaster General is authorized and directed from and after the passage of this act and not less frequently than once every year to cause the United States mails to be weighed simultaneously on all railroad mail routes for a period of 30 successive working-days, and when such annual weighing is completed he shall readjust the annual compensation of railway mail pay on the basis of the average daily weight of all the mail carried on each route as ascertained by the actual weight taken, as herein provided, which readjustment shall be effective on and after the 1st day of July following such weighing: *Provided*, That such annual weighing shall only be had in those cases in which railroad companies carrying the mails shall perform the work of weighing the mails under the supervision and direction of the Postmaster General and without expense to the Government: *Provided further*, That in case any contractor for a railway mail route shall refuse or fail to perform the work of weighing without expense to the Government, then the mails on such route shall be weighed quadrennially in the manner above provided.

The Interstate Commerce Commission is hereby directed to hold hearings and to make a thorough investigation into the justness and reasonableness of existing rates of railway mail pay and of the practices and regulations of the Post Office Department in respect thereto and in regard to the service required to be performed therefor.

The commission shall also hold hearings and thoroughly investigate the so-called "space" plan and the so-called "weight" plan of railway mail pay, and any combination of the two, and any other plan that may seem to afford an accurate and fair basis for determining what compensation is just and reasonable both to the Government and the railroads for the carrying of the mails.

The commission in making such investigation shall consider efficiency and economy in service, both from the standpoint of the Government and the railroads, and shall also consider the relations existing between the railroads as public service corporations and the Government.

The commission shall not only investigate the system or plan of fixing railway mail pay, but it shall also hold hearings and carefully and thoroughly investigate the question as to what rates of compensation should be allowed to the railroads under whatever plan or system is suggested or adopted.

The commission shall, as soon as possible, conduct and conclude the investigation herein provided, and report to Congress the result of its investigations and its recommendations thereon.

For the purpose of making such investigation the Interstate Commerce Commission is hereby vested with all the powers which it is now authorized by law to exercise in the investigation of the justness and reasonableness of freight, passenger, and express rates, and the regulation of railroads and express companies, and the Postmaster General, the railroad carriers, and express companies shall supply such information regarding railway mail pay as the Interstate Commerce Commission may request and shall be given full opportunity to be heard.

If the Postmaster General shall find on experience that the classification of articles mailable, as well as the weight limit, or the rates of postage, zone or zones, and other conditions of mailability, under section 8 of the act approved August 24, 1912, or any of them, are such as to prevent the shipment of articles desirable or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby authorized to reform from time to time such classification, weight limit, rates, zone or zones, or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof: *Provided, however*, That before any change is hereafter made in weight limit, rates of postage, or zone or zones by the Postmaster General the proposed change shall be approved by the Interstate Commerce Commission, which is hereby directed to hold hearings and to make a thorough and independent investigation of the question for the purpose of determining whether such proposed change will promote the Parcel Post Service to the public and insure the receipt of revenue from such service adequate to pay the cost thereof.

During the reading of the amendment,

Mr. LA FOLLETTE. Mr. President, many of these provisions appear to me to be of considerable importance, and I am trying to follow the Secretary as he reads them. I find considerable difficulty in keeping up with him at the pace at which

he is going; and I just rose to suggest that they be read at such measure as would enable Members of the Senate to comprehend them as we are going along. Otherwise, the reading is hardly worth while.

The Secretary resumed and concluded the reading of the amendment.

Mr. THOMAS. Mr. President, I desire to offer an amendment to the proposed amendment of the committee, which I ask to have read and printed.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The Senator from Colorado offers an amendment to the amendment of the committee, which will be stated.

The SECRETARY. On page 57, line 2, after the word "thereon," it is proposed to add the following:

And the system or plan of fixing railway mail pay to be so reported shall be accepted by the Congress and the railway companies as final, and made the basis thereafter of the systems of railway mail pay without any further or other inquiry relating thereto.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. Does the Senator from Colorado offer the amendment so that it is now the pending question?

Mr. THOMAS. No; I offer it and ask to have it printed. I shall call it up later.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado will lie on the table and be printed.

Mr. THOMAS. If there is any question about the regularity of my offering the amendment at the present time, I will withdraw it and offer it later.

The PRESIDING OFFICER. The Chair sees no objection to the Senator offering the amendment in this way.

Mr. THOMAS. The suggestion is made that we may reach the amendment to the amendment before it has been printed; but I hardly think we will do so to-day.

Mr. CUMMINS. Mr. President, some time ago I offered and had printed an amendment to the amendment proposed by the Senate committee which I regard as of some importance. I had rather understood from the chairman of the committee that he did not desire to enter upon the consideration of that amendment this afternoon, but possibly I misunderstood him.

Mr. BANKHEAD. Mr. President, I think perhaps the Senator did misunderstand me. I can see no reason why we should not now consider the amendment. I am very anxious to secure final action on the bill; and if it is not objectionable to the Senator, I should be glad if he would go on now.

Mr. CUMMINS. I have no objection at all. I am quite ready, but I thought I was deferring to the wishes of the chairman of the committee.

I offer an amendment to the committee amendment, which I send to the desk.

The PRESIDING OFFICER. The Senator from Iowa offers an amendment to the committee amendment, which will be stated.

The SECRETARY. It is proposed to substitute for the committee amendment, beginning on line 1, page 56, and ending with line 11, page 57, the following:

All common carriers are hereby required to transport such mail matter as may be offered for transportation by the United States in the manner, under the conditions, and with the service prescribed by the Postmaster General and shall be entitled to receive fair and reasonable compensation for such transportation and for the service connected therewith.

The Interstate Commerce Commission is hereby empowered and directed to fix and determine from time to time the fair and reasonable rates and compensation for the transportation of such mail matter and the service connected therewith and to publish the same, and orders so made and published shall continue in force until changed by the commission after due notice and hearing.

The procedure for the ascertainment of said rates and compensation shall be as follows:

Within three months from the passage of this act the Postmaster General shall file with the commission a statement showing the transportation required of all common carriers, including the number, equipment, size, and construction of the cars necessary for the transaction of the business; the character and speed of the trains which are to carry the various kinds of mail; the service, both terminal and en route, which the carriers are to render; and all other information which may be material to the inquiry. The commission may require the statement of any facts which it deems relevant to the investigation. The Postmaster General shall also state what he believes to be the reasonable rate or compensation the several carriers should receive. Thereupon the commission shall give notice of not less than 30 days to each carrier so required to transport mail and render service, and upon a day to be fixed by the commission each of said carriers shall make answer and the commission shall proceed with the hearing as now provided by law for other hearings between carriers and shippers or associations.

All the provisions of the law for taking testimony, securing evidence, penalties, and procedure are hereby made applicable.

At the conclusion of the hearing the commission shall establish by order a fair reasonable rate or compensation to be received by each carrier, at such stated times as may be named in the order, for the transportation of mail matter and the service connected therewith, and during the continuance of the order the Postmaster General shall pay the carrier from the appropriation herein made such rate or compensation.

Either the Postmaster General or any carrier may at any time after the lapse of six months from the entry of the order assailed apply for a reexamination, and thereupon substantially similar proceedings shall be had.

The Interstate Commerce Commission is hereby vested with all the powers which it is now authorized by law to exercise in the investigation and ascertainment of the justness and reasonableness of freight, passenger, and express rates to be paid by private shippers.

In the case of any carrier which has received, directly or indirectly, through succession a public-land grant the value of the grant or donation shall not be considered in determining the value of the railway property.

This section shall not apply to that part of the foreign mail service performed by steamships plying between the United States and a foreign country.

The existing law for the determination of mail pay shall continue in effect until the Interstate Commerce Commission under the provisions hereof fixes the fair, reasonable rate or compensation for such transportation and service.

Mr. CUMMINS. Mr. President, it will be at once observed that the amendment I have proposed presents a fundamental question with regard to the relation between the Government of the United States and the several railways which are required to transport mail.

I gave some study to this inquiry three or four years ago, while the joint committee of the two Houses of Congress was carrying on a very elaborate investigation into the subject. I reached the conclusion then that there was but one fair thing to do, namely, to empower and require the tribunal which we have established for the purpose of determining rates, so far as the general public is concerned, to ascertain and establish the fair compensation to which railway companies are entitled, or will become entitled, for the service which they render to the Government as an organized society.

Some things have transpired since the conclusion I have suggested was reached which have tended to impair somewhat my confidence in that high tribunal. I must say that in perfect frankness—not that my confidence in the integrity of the members of the commission has been lessened, but some things have occurred that have shaken my faith in the point of view which the commission, or some members of it, have assumed. Nevertheless, the Interstate Commerce Commission is a permanent tribunal, as I believe, in the affairs of the United States. No matter what mistakes it may have made, or what mistakes it may make in the future, we have created it for the especial purpose of determining what compensation the common carriers of the United States should receive for the service which they render, and I believe that the Government itself, which pays to the railway companies every year more than any other patron of the common-carrier system, ought to intrust to this tribunal the settlement of the very vexatious dispute which has now continued in the United States for about 40 years.

The present plan for the payment of compensation to the railway companies for the transportation of mail had its origin, I think, in the law of 1873. It has been somewhat modified from time to time, but the system that is now in force was organized in that year. Under it the railway companies carry mail through contract with the Post Office Department. The compensation, although there is a maximum in the law, is fixed by the terms of the contracts, and it is based upon the weight of the mail transported, with one exception. In the so-called railway post-office cars—the traveling post offices—where mail is assorted for ultimate delivery, there is a payment that does not depend upon the weight of the mail, but this exception is limited to cars or apartments 40 feet or more in length.

The total compensation, speaking in round numbers, paid by the Government to the railway companies of this country annually, is \$60,000,000—a sum so vast that it at once challenges the interest of every Senator and every citizen. There has been, as I remarked a moment ago, a continuous controversy about the compensation that should be paid and the basis or standard which should be adopted in order to arrive at the annual payment, for nearly 40 years. For 35 years it has been an active dispute in Congress and between the Post Office Department and the several common carriers.

Aside from the almost innumerable congressional investigations that have taken place—and they have occurred almost every year—there have been at least five careful, exhaustive inquiries made by special committees or commissions.

First, through what is known as the Hubbard Commission in 1878; second, through what is known as the Elmer-Thompson-Slater Commission in 1883; third, through what is known as the Wolcott-Loud Commission in 1901; fourth, through the Post Office Department itself, carried on principally by the then Postmaster General, Mr. Hitchcock; and fifth, and the most elaborate of them all, by the joint committee of the two Houses, raised I believe in 1911 or possibly a little earlier than that, composed of men who were highly skilled in the subject and who gave to the investigation the most deliberate and protracted attention.

Notwithstanding all these investigations, each of which was followed by a report, the controversy is as active, as unsettled, as uncertain as ever before. We have not advanced a single step toward the adjustment of any single point in the controversy, either as to the amount that should be paid to the railway companies from year to year or as to the basis on which the compensation ought to be ascertained.

Mr. HUSTING. Mr. President—

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. CUMMINS. Certainly.

Mr. HUSTING. Was there not some recent report in favor of the so-called space system?

Mr. CUMMINS. Yes, sir. What commission?

Mr. HUSTING. Some of the commissions or all of them.

Mr. CUMMINS. Some of them have. Some of them have not. The last commission, which is known generally as the Bourne Commission, because he happened to be chairman of the committee at the time it was organized, reported specifically in favor of the space basis. Others have reported in favor of the weight basis; two of them, I think, reported in favor of a combination of the two. But the space basis as compared with the weight basis is still in violent controversy. Some people, very good people, too, believe in it. Other people do not believe in it.

The railways as a whole are very much opposed to it, as is evidenced by the hearings. Many of the experts who have no interest in the matter on either side are opposed to it. Some are in favor of it. I venture to say that there are not to exceed one-half dozen Senators on this floor who at this moment are prepared to declare either for or against it.

Mr. HARDWICK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. I yield.

Mr. HARDWICK. I suggest to the Senator from Iowa that the Post Office Department itself concedes that in the case of small railroads carrying pouch mail the space system would not do at all, and they had to provide an exception from that system for that portion of the mail.

Mr. CUMMINS. That is quite true; but I am not here to espouse either basis. I have an opinion with regard to the matter, but I confess it is an opinion upon which I would not dare to ask the Senate to act. It is an opinion which I would not venture to impose either upon the Post Office Department or the railways.

My amendment does not attack the weight basis; it does not attack the space basis. It simply declares that we are not qualified to determine what the compensation of the railway or the carriers who transport mail should be. I do not believe there are many Senators who have given to this subject more continuous study than myself. I have tried to make it an impartial study. But if I were asked to declare what the railway companies of this country should receive for the service they render the Government I would be compelled to say that I do not know. My amendment proceeds upon the hypothesis that, whether we take the weight basis or the space basis, there is another tribunal organized for the specific purpose of ascertaining a fair reward or rate that the railway companies ought to enjoy or receive for their service, and to that tribunal we ought to submit the question.

Mr. HITCHCOCK. Mr. President—

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I wanted to ask the Senator whether he is offering his amendment as a substitute for the committee amendment? I have not understood exactly the situation.

Mr. CUMMINS. There are parts of the Senate committee amendment which are so far removed from the subject that I am discussing and which my amendment embraces that I have not offered my amendment as a substitute for the entire committee amendment. I have offered it for a part of the committee amendment, and that part is specified in the beginning of my amendment.

Mr. HITCHCOCK. I do not fully understand the difference between the Senator's proposition and the proposition of the committee, which is also before the Senate. Each seems to provide that an investigation shall be made by the Interstate Commerce Commission, that hearings shall be had, and that pending those hearings no change shall be made in the present law. Is that correct?

Mr. CUMMINS. The Senate committee amendment proposes a change in the present law, which I do not disturb, but the difference between the Senate committee amendment and the House bill as well, because they are both open to the same

objection, and my amendment is this. Both the House bill and the Senate committee refer the subject to the Interstate Commerce Commission for an investigation and report, and then Congress can accept the report or can reject it. There will be nothing whatsoever settled. Our past experience demonstrates, if it proves anything, that we will not necessarily accept the report of the Interstate Commerce Commission. The subject will still be open for debate and decision; Congress will still be called upon to determine what rate is fair and reasonable; whereas my amendment puts the Government of the United States in the hands of the Interstate Commerce Commission, precisely as we put every citizen of the United States in the hands of that commission, and when the commission declares what is reasonable compensation it binds not only the railway companies but binds the United States as well, and that is thereafter the compensation to be paid for the service rendered. That is the difference, and that difference is as wide as the sea. There is nothing at all settled either by the House provision or by the Senate committee amendment.

Mr. THOMAS rose.

Mr. CUMMINS. I yield to the Senator from Colorado.

Mr. THOMAS. It was precisely that defect in the Senate committee amendment to which my amendment was directed, but I am so much better satisfied with the amendment more carefully prepared by the Senator than with mine that I shall support his amendment with a great deal of pleasure.

Mr. CUMMINS. The amendment offered by the Senator from Colorado would do just exactly what I propose. It is not worked out in quite as much detail. My purpose is to commit this subject to the Interstate Commerce Commission, believing that it will act fairly both for the Government and for the railways, and when it does act the compensation will be paid and the great, vexatious controversy will be removed from Congress.

Mr. HITCHCOCK. I got the impression from the reading of the Senator's amendment that it contemplated hearings and the possibility that the rate, instead of being a flat rate for the whole country and all railroads, might vary with different railroads and in different sections.

Mr. CUMMINS. That depends entirely upon the Interstate Commerce Commission. In my judgment, we can not compel any railroad company by any form of words that we may use to render a service to the Government for less than a fair compensation. We ought not to require it if we could, and we could not require it if we would. Therefore, when this subject comes before the Interstate Commerce Commission—as it would come under my amendment—it investigates the whole subject and every railway and lays down and establishes a rate for the transportation of mail.

I hope Senators will not confound the compensation we pay to the carrier and the compensation which the Government exacts from the public for transportation. We can do what we please with regard to the latter. We can send mail throughout the whole country for nothing if we desire to do it. We may continue the most unjust and indefensible subsidy to second-class matter and lose \$60,000,000 every year in carrying this matter. We can continue that if we will, but when the Government comes to deal with a railway company then it must pay a fair, reasonable compensation for the service it demands. It ought not to pay more, and under the law the railway company can not be compelled to accept less.

Mr. VARDAMAN. Mr. President—

Mr. CUMMINS. I yield to the Senator from Mississippi.

Mr. VARDAMAN. Does the Senator from Iowa hold that the Interstate Commerce Commission would be more inclined to deal justly with the carrier than Congress, whose duty and whose right it is, and which it has exercised from time immemorial, to fix these rates?

Mr. CUMMINS. I think so, Mr. President. Congress can not fix a rate. We do not know enough to fix the rate.

Mr. VARDAMAN. As to the purpose, as I understand it, the Interstate Commerce Commission would gather the data upon which Congress could base its conclusions. I can not see how the Senator can reason it out so as to reach the conclusion that Congress would be less likely to do its duty to the railroad companies than the Interstate Commerce Commission in fixing the rate.

Mr. CUMMINS. I hope that both Congress and the Interstate Commerce Commission have an eye single to the public welfare, but the proposal of the House as well as the Senate committee is that the Interstate Commerce Commission shall investigate and make a report. It will then be for Congress to fix a rate. It may accept the report of the commission, it may not, and nothing whatsoever is settled.

Mr. VARDAMAN. If the conclusion of the Interstate Commerce Commission is correct, if it is fair, if it is just—

Mr. CUMMINS. Who is to determine that?

Mr. VARDAMAN. Congress.

Mr. CUMMINS. Precisely. Well, I want the commission to determine it, because I think we ought to have the same confidence in the commission with respect to the service which we require as a Government that we compel the citizens of this country to have in the establishment of rates which they must pay. Suppose the interstate-commerce act provided that before the commission fixed any rate it should report to Congress, and then we should legislate upon the question and either establish the rate or some other, does the Senator from Mississippi think that would be an efficient regulation of transportation?

Mr. VARDAMAN. The question of railroad rate regulation is a matter of almost infinite detail, while the question of railroad mail pay has been worked out with fair success by the Congress. I understand that Congress has universally from time immemorial fixed the rate for carrying the mails, and I have not seen any marked abuse of that function to the detriment of the railroad companies.

Mr. CUMMINS. As a matter of fact, Congress has not fixed the rate, and it does not fix the rate in this bill for all practical purposes. Let me point that out. Take the provisions of the House bill. These provisions fix a certain rate per mile for a certain space. The language or the phraseology of the act is not exceeding a certain sum per mile. But the act immediately proceeds to give the Postmaster General authority to either increase the amount or decrease it. So the legislation proposed by the House in effect gives to the Postmaster General absolute, uncontrolled discretion with respect to railway mail pay, and the limitation will be of no avail whatsoever.

Moreover, the House provision requires the railway companies to accept whatever rate may be fixed by the Postmaster General, and if they do not accept they are to be fined \$5,000 every day. To me a provision of this sort is more objectionable than the despotism of any country on earth. I can not understand how it can be vindicated or justified by anyone; but what I am now saying does not apply to the Senate committee, because it has attempted to eliminate those provisions from the House bill.

Mr. NELSON. May I ask the Senator from Iowa a question?

Mr. CUMMINS. Certainly.

Mr. NELSON. I have not examined the Senator's amendment. Does it provide for an appeal from the decision of the Interstate Commerce Commission the same as in rate-making cases?

Mr. CUMMINS. Precisely; it is so intended.

Mr. VARDAMAN. We could not hear the Senator from Minnesota.

Mr. CUMMINS. There is no provision in the present law—

Mr. NELSON. I will repeat my question, so that the Senator from Mississippi may understand it. I asked whether the amendment provides for an appeal in this case as in other rate-making cases before the Interstate Commerce Commission? Is there an appeal to the courts?

Mr. CUMMINS. I think it would permit the same review, although the present law does not permit an appeal. Under the present interstate-commerce law if the rates are confiscatory the railway companies can bring a suit for an injunction and in that way the validity of the order of the Interstate Commerce Commission is tested, but under the present law the shipper has no remedy whatever. The decision of the Interstate Commerce Commission as to the shipper is final.

Mr. NELSON. I am aware of that fact, but here is the point. In an ordinary rate-making case there may be an issue between the railroad company and the Interstate Commerce Commission as to whether the order of the commission is valid and not confiscatory.

Now, take this case. Suppose the Interstate Commerce Commission fixes the rate for the transportation of mail and the railroads object to it and say the rate is not sufficiently high, that it is not compensatory, in other words, does the Senator's amendment provide for an appeal in such a case?

Mr. CUMMINS. Not an appeal. There is no such thing, as I understand it.

Mr. NELSON. I am using the term in a general sense. I mean does it provide for a review by the court?

Mr. CUMMINS. It does not specifically. There would be the same remedy precisely under my amendment for the railway companies that now exists in the case of the establishment of a rate for a private shipper.

Mr. NELSON. Does the Senator's amendment provide for that?

Mr. CUMMINS. I think so. It is provided for in just the same way the present law does.

I now recur to the question that was debated and considered principally in the various investigations which I referred to a moment ago. In all of them the principal question, the principal dispute concerned the merit of the space basis as compared to the weight basis. My amendment does not involve that dispute at all. The Interstate Commerce Commission will be at perfect liberty to adopt the one basis or the other or adopt both. If we were to enter upon an inquiry and debate here respecting the merits of the space basis as compared with the weight basis it would be never ending.

I venture to say that within the last 38 years there have been 10,000 pages of testimony taken before the various committees and various commissions relating to that one question. But after you have settled that issue you have settled nothing, so far as compensation is concerned, for if you adopt a weight basis you must then attach a certain charge for a certain weight of mail. If you adopt the space basis you must also attach a certain charge for carrying a certain car a certain distance. So the real question in which we are interested is not elucidated by the adoption of the one basis or the other.

At any rate, my amendment does not purport or attempt to settle that very difficult and intricate question, and I repeat that I do not believe there are a half a dozen Senators in our whole body who are competent now to decide that first controversy, namely, whether the standard should be space or weight. The reasons given on either side are very persuasive and it is not an easy matter to determine; but suppose we had determined in favor of weight, how much, then, should be charged to carry a hundredweight of mail? Is there a Senator here who knows? No; there is not one. If we adopt the space basis, how much should we pay the railway companies for carrying a 60-foot car a mile? The House bill attempts to settle that, or, at least, it establishes a maximum rate; but I ask again whether there is a Senator here who knows and is willing to declare by his vote how much the railway companies ought to receive for carrying a car 40 feet or 60 feet in length a mile?

Mr. HUSTING. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. CUMMINS. I yield.

Mr. HUSTING. I ask the Senator if he does not think the rate paid by packers and others who have privately owned cars and run them over the railroads, the amount per foot per mile that they pay, might furnish some criterion of what the Government should pay?

Mr. CUMMINS. I do not think so. I have examined the testimony with a great deal of care, and there are many suggestions, although I may say in passing that the testimony which is devoted to the proper charge per mile for a railway mail car is almost negligible as compared with the testimony on the merits of the two bases. But throughout all this testimony there is now and then a suggestion as to the proper comparison. Some have compared it with the fast freight; some have compared it with express matter; some have compared it with passenger space; but I am bound to say, after the most deliberate and reflective study, I do not know what it ought to be. It may very well be that the sum fixed by the House bill is altogether too large. It may be that it is altogether too small. It is a subject that we are not qualified to vote upon, any more than we are qualified to vote upon a freight rate from New York to Chicago on coal, meat, wheat, or any other commodity which may be transported from one part of the country to another.

Mr. MARTINE of New Jersey. Mr. President, will the Senator from Iowa yield a moment?

Mr. CUMMINS. Certainly.

Mr. MARTINE of New Jersey. The Senator from Iowa is in doubt as to just what the rate should be, and I can sympathize with him in that respect. I think the committee generally had no thought as to what the rate should be, but favored referring the matter to the Interstate Commerce Commission, in order that they might thrash it out. However, as to the system, whether the rate shall be determined on a basis of space or weight, what is the Senator's opinion on that?

Mr. CUMMINS. If I were doing it myself—although I said a few moments ago that I would not venture to ask this Government to take the course which my opinion might now suggest—I would have a combination of both.

Mr. MARTINE of New Jersey. I will say for myself that my first impression was when the matter was before the committee that the rate should be governed by weight. It seemed to me that that was the practical and sensible solution of the matter. Afterwards, however, during the course of the hearings before the committee, the Senator from Iowa, who is a

member of it, will recall that the presidents of a number of farmers' granges throughout the country appeared before the committee and with the most remarkable unanimity pressed the weight system; they had no thought of the space system. I asked a couple of those gentlemen, who were presidents of granges, how it was that they with such uniformity were pressing the weight system, and finally, after a great deal of circumlocution, they admitted, in answer to my question, that presidents and other officials of railroads had even deigned to come before the farmers' granges and to tell the farmers it was their incumbent duty to come down before the Post Office Committee, which was formulating this bill, and to advocate the weight basis as against the space basis.

Mr. VARDAMAN. Mr. President, if the Senator will yield to me for just a moment, I will say that I think he is at fault in his recollection of just exactly what those gentlemen said. They were here not asking for the weight system but asking that this matter be referred to the Interstate Commerce Commission.

Mr. MARTINE of New Jersey. That is true; but they said that their primary motive was to secure the adoption of the weight system. I asked them, "How is it that you gentlemen have left your occupation of agriculture, of the tillage of the earth in order that it may bring forth bountiful crops, and now project yourselves into this intricate problem?" "Well," they said, "it is very plain to the presidents of the agricultural granges. The railroad presidents told us that it was our duty to come here and make known our desires and their desires. They further told us, as a reason for it, that if the space system were adopted the railroads were going to charge every farmer higher freight rates for his potatoes and his wheat." So these voracious creatures, fattened to richness, finally made up their minds that the only way to lambaste the Congress of the United States into their way of thinking was to go to the farmers and to inspire them to tell the Senate of the United States that, if they did not adopt this method, there would be an increased rate imposed on their potatoes, on their corn, and on every other commodity which they raise. That made me very quickly transfer my adherence from the weight system to the space system; and I believe to-day there is every reason for it in justice, and every reason in the experience of other countries; for, so far as I have examined the subject, every country which has tried the space system has adopted that instead of the weight system. The attitude of the unscrupulous men who went to these dependent and helpless farmers—whose crops and products of the earth, however much they may raise, amount to nothing unless they can transport them to the market of the consumer—made me believe that our true course was to stand for the space basis instead of the weight basis.

Mr. CUMMINS. Mr. President, I can understand the deep feeling of the Senator from New Jersey on that question and how conclusive the reason that he now gives is for his change of mind. I can see, of course, how conclusive the misconduct on the part of the railway companies in bringing these helpless and innocent farmers here to sustain their theory is in favor of the space basis; but speaking seriously it does not appeal to me in that way any more than the similar effort—quite as indefensible—made by the Post Office Department itself in sending out telegrams to all postmasters of the country to forward dispatches to all Senators asking them to sustain the Post Office Department in its proposal as to railway-mail pay and as to rural mail routes. I think both campaigns are overworked; I think both are to be criticized; and I do not criticize one any more than the other; but really I am unable to see how the suggestion just made by the Senator from New Jersey affects my proposal that the Interstate Commerce Commission shall be given the authority to fix the compensation for the Government, exactly as it fixes the compensation for me or for him.

Mr. MARTINE of New Jersey. I desire to say that I never understood that this provision proposed to give the Interstate Commerce Commission authority to absolutely fix the compensation, but that it proposed to refer the whole subject to them, their action to be submitted for ratification to the Congress of the United States. It seemed to me that the wisdom of the reference was that such questions are in the line of their business. They have no conventions to attend, as the Senator from Iowa has and as I have; their minds are undivided and fixed on this one proposition. Hence they can deliberate with infinitely more wisdom and justice than can any of the rest of us. So I agree to that.

The Senator refers to the Post Office Department having sent out telegrams to influence the action of Congress in favor of their contention. I was not aware that the Postmaster General took such action; but there was a gentleman in a lower

official position who did presume to send letters to me and to other Senators and to many other persons, telling them what their path of duty was. I recall that for one I was very rebellious at his suggestion, and I feel so yet. I feel that there should be some example made in the matter.

Mr. CUMMINS. Mr. President, it seems to me that the natural effect ought to have been a reconversion of the Senator from New Jersey to the weight basis. If that sort of influence had the effect of changing him from the weight to the space basis, the other instance of lobbying ought to have returned him to the weight basis; but I do not believe the Senator from New Jersey was here when my amendment was read.

I am discussing an amendment that I have proposed which is intended to clothe the Interstate Commerce Commission with the authority to say—and to say in an authoritative way—what the compensation shall be. I am not discussing the merits of the weight basis as compared with the space basis. I would not venture, as I have repeated now twice, to express an opinion upon that subject that I should expect to govern either my fellow Senators or to govern the Post Office Department. I am not well enough satisfied upon that point to have a fixed opinion; and much less have I any opinion as to the amount that ought to be paid for space, if that be the standard adopted.

Mr. MARTINE of New Jersey. I do not think any member of the committee had that thought.

Mr. CUMMINS. I am sure that statement in itself is the most potent argument for my amendment that I have heard.

Mr. HARDWICK. Mr. President, will the Senator from Iowa yield to me for a moment?

Mr. CUMMINS. I yield.

Mr. HARDWICK. I merely wish to state to the Senator from New Jersey that the committee proposition was to refer this matter to the Interstate Commerce Commission, directing that body to report back to Congress as early as possible, just as he thought; whereas the amendment proposed by the Senator from Iowa is to refer the proposition, as I understand, to the Interstate Commerce Commission with full authority to act finally in the matter, and to determine what is reasonable and just in the way of rates.

Mr. CUMMINS. Precisely.

Mr. HARDWICK. The Senator from New Jersey seems to have been a little confused.

Mr. CUMMINS. The Senator from New Jersey was not present when my amendment was read.

Mr. President, I want to call attention just for a moment to the difference between the House provision and the Senate committee amendment. The House bill adopts the space basis; fixes a maximum compensation; gives the Postmaster General authority to both increase and reduce that compensation; gives him the power to fine the carriers if they do not obey his directions; compels the railways to render the service; and for every violation they are to be fined not exceeding \$5,000. Finally, either the Postmaster General or the railways, represented by at least 51 per cent of the mileage, may apply to the Interstate Commerce Commission for a report. It also provides for a hearing before the Interstate Commerce Commission. Then, after the commission reports, the Postmaster General is to fix whatsoever rate he desires. That is the House bill.

The Senate committee amendment strikes all that out; continues the present plan, provides for annual weighing, if the railway companies will pay the expense, under the direction of the Postmaster General; requires the Interstate Commerce Commission to hold hearings on the whole subject, and to report to Congress.

If that amendment were to prevail, there would be no rate fixed until Congress had at some future time acted upon the subject. As I remarked a few moments ago, knowing what I do about the disposition of Members of the Senate, at any rate, their independence, their disinclination to follow leadership, I would have no hope that the report of the Interstate Commerce Commission would receive more than a passing glance, just exactly as every other commission which we have created reports to Congress, and its report lies in the archives of the body until it is covered with the dust of years, without a single reader.

How many Senators ever read the report made by the distinguished commission which I mentioned a few moments ago, created in 1911, I think—possibly in 1910—a joint committee of the other House and of the Senate; a committee which spent two years or more in the most careful inquiry ever carried forward respecting the subject? I will venture to say that there are not a half dozen Senators in this body who ever read the report; that there are not a dozen who now know what is in that report. It will be just so with the report of the Interstate Commerce Commission.

Mr. VARDAMAN. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I yield.

Mr. VARDAMAN. Are we to conclude that the Senator's argument is leading him to the point where he thinks commissions created by Congress ought to direct Congress in its legislation? For instance, if a tariff commission shall be created, does the Senator from Iowa think that Congress ought to delegate to that commission the right to fix tariff rates?

Mr. CUMMINS. Is the Senator from Mississippi asking me the question?

Mr. VARDAMAN. I was asking the Senator that question. I take it the purpose of the Senator's argument is to show that the mere investigation of this commission and its reporting to Congress would have no effect upon the minds of the Congress in legislating upon this question.

Mr. CUMMINS. No; I did not say that.

Mr. VARDAMAN. The question of the tariff is quite as intricate and difficult of solution, it seems to me, as is the fixing of railroad rates; Congress, I hardly think, will delegate the function or power to a commission to fix the tariff; yet I can see where great advantage would be derived by the creation of a nonpartisan commission charged with the duty of making a scientific investigation of the tariff question and reporting the result of its investigation to Congress to assist and guide the Congress in legislating. The same, I think, would be true with reference to any action of the Interstate Commerce Commission upon this question, leaving then to Congress, the representatives of the people, to finally determine whether the rates are just or unjust. I for one think that one of the real dangers to the future of this Government and the permanency of our institutions is the delegation of legislative authority to bureaus and commissions. The closer we keep the Government to the people, the more responsive will the Government be to the public judgment. The farther the Government is removed from the ballot box, the more liable are its functions to be prostituted to private personal ends.

Mr. CUMMINS. Mr. President, we have not delegated legislative authority to the Interstate Commerce Commission. We can not delegate legislative authority to any commission or to any body of men.

Mr. VARDAMAN. Mr. President, if the Senator will pardon me—

Mr. CUMMINS. Just a moment, I trust the Senator will allow me to answer him before he proceeds. If there is no difference between a tariff commission and the Interstate Commerce Commission, there is much force to the argument of the Senator from Mississippi.

Mr. VARDAMAN. Mr. President, if the Senator will pardon me, I did not say that there was no difference.

Mr. CUMMINS. I will not yield just now. I will ask the Senator to allow me to answer him.

Mr. VARDAMAN. I merely desired to ask that the Senator would quote me correctly.

Mr. CUMMINS. I wish to answer the Senator from Mississippi before he proceeds with further suggestions. There is a vast difference between a tariff commission, as we understand it, and the Interstate Commerce Commission. If we could establish for a tariff commission a standard, a rule, by which the commission could determine what our import duties should be, I, for one, would be very glad to do it. If a Republican majority were in possession of Congress, that standard would be adequate protection, the difference between cost of production at home and abroad, or some other rule of that character. If we could do that, then I would be content to see a tariff commission determine what the duties should be; but if a Democratic majority is in possession of Congress, it will not accede to that rule; it has another rule; and therefore it is impossible to remove the subject of a tariff from politics, because the standard applied is different as majorities come and go, and all that we can secure from a tariff commission is an investigation and a report of facts, so that we can take a rule—whatever rule may recommend itself to Congress at the time the question is before us—and apply it to those facts.

It is not so with the Interstate Commerce Commission. We have established a rule—a standard—for the Interstate Commerce Commission. It does not exercise legislative authority; it does not exercise judicial authority, although it has what is sometimes akin to judicial authority. We have declared that the railway companies shall charge the people of this country for the service rendered a fair and reasonable and nondiscriminatory rate.

That is our rule; and we have said to the commission, "Take the facts in any particular instance; apply this rule to the facts;

and declare what is a reasonable nondiscriminatory rate or practice." We do not ask Congress to review the application of this rule to the business of the country. We understand perfectly that we are incompetent—and I say that without any disparagement—to apply the rule to the facts even though the facts are easily gathered and understood. For instance, suppose that at the time of the application of the railway companies, first made in 1910 and repeated or renewed in 1913, for an increase of an average of 5 per cent upon their rates, the law had been that the commission should inquire into the facts and report to Congress, into what chaos we would have been plunged. Such an arrangement would be utterly impossible; and it is just so with the railway-mail proposition. We are not qualified, by reason of our training, or want of training, and by reason of our absorption in a thousand other duties, to apply the rule to the facts.

My amendment simply lays down the proposition—and no one can complain of it, I am sure—that the railways of this country shall carry the mails, in so far as they are required to carry them, for a fair and reasonable compensation. No one will dispute that. Now, who is to determine what is a fair and reasonable compensation? The Senator from Mississippi [Mr. VARDAMAN] says that that must be determined by Congress. Heretofore it has been determined by the Postmaster General. I believe it ought to be determined by the Interstate Commerce Commission. For instance—

Mr. HUSTING. Mr. President—

Mr. CUMMINS. I yield to the Senator from Wisconsin.

Mr. HUSTING. I should like to ask the Senator from Iowa whether he does not see some distinction in the situation? The Interstate Commerce Commission determines rates as between private individuals and the common carriers. The question now before the Senate is a question of making a contract between the United States itself and the common carriers. Is it a matter that should be submitted to a commission to determine, or is it purely a matter of contract with the railroad company, to be executed by the United States through its officers?

Mr. CUMMINS. Mr. President, I think the Senator from Wisconsin misunderstands both the House bill and the Senate committee amendment or I misunderstand them. It is not a question of contract at all. Neither bill nor amendment provides for a contract with the railway companies; and in that respect I am in entire sympathy with both the House bill and the Senate committee amendment. I do not believe it ought to be a matter of contract. I think the railways of this country, by virtue of their organization and by the service which they proclaim, are bound to carry the mails if tendered by the Government, just as they are bound to carry passengers and freight when required by proper tender, and their compensation for the service ought not to be fixed by any contract; it ought to be fixed upon precisely the same basis as the compensation for every other service is fixed.

I will come to a view of the matter taken by the Postmaster General very soon. It will raise a very difficult and very interesting question, and it is somewhat akin to the view that may be inferred from the question put by the Senator from Wisconsin [Mr. HUSTING]. I may as well do that now. It will be, I think, logical before passing to a further discussion of the specific questions raised by my amendment to refer to a fundamental proposition which Congress must adjust and which it must adjust now. It can not postpone the settlement of the question I am about to state.

There are two conflicting views with regard to the relation between the Government and the common carriers or the railways of the country. One view is well expressed in a report made by the Postmaster General for the year ending June 30, 1913, which I take the liberty of quoting. It is found on pages 21 and 22:

The determination of what shall be the basis for ascertaining a fair rate of compensation for carrying the mails is not free from difficulties. From a careful consideration of the subject it becomes evident that the carriage of the mails by the railroad companies for the Government can not be considered as of the same character of service as that performed by them as common carriers for the general public. The railroads have received certain benefits from the States from which they derive their corporate existence—

And, in passing, I may say it is plain that the Postmaster General there refers to the franchise of a corporation under the law of a particular State—

and their interstate commerce is subject to the regulation of the Federal Government. Some of them have received substantial aid from the Federal Government by grants of lands and otherwise. They are declared by law to be post roads. As mail carriers they are agencies of the Post Office Department and are performing a governmental function. The postal business is not carried on by the Government for profit but in furtherance of the constitutional power to establish post offices and post roads under which it furnishes postal facilities to all of its citizens. The railroads, therefore, may not deal with the Government

as they would with a shipper who uses their facilities as a common carrier for profit or for some special advantage. Furthermore, the general business which sustains a railroad is to a large extent dependent upon the mails and their certain and expeditious transportation, and the carriage of the mails by the railroad contributes to its prosperity to an extent and in a manner which does not obtain for any other class of its business. From these and other considerations it follows that rates for carrying the mails on railroads should be less than those which might be fixed for commercial business.

When the data in hand and now being secured by the department are thoroughly considered and analyzed the Postmaster General will lay before the appropriate committees of Congress the conclusions reached as to what will be just and adequate compensation for all services which the railroads are rendering or will be called upon to render the Government for mail transportation.

Mr. President, as I remarked a moment ago, this extract presents a fundamental inquiry which we must settle in the passage of this bill. I dissent wholly and completely from the view expressed by the Postmaster General. I do not believe that the railway companies can be compelled to carry the mail for less than a fair compensation for the service. I think any attempt of that sort would be unconstitutional; and, furthermore—which is of even more importance—I believe it would be unwise in the last degree for the Government to attempt to require the railways of the country to carry the mails for less than a fair compensation, for the reason that in just so much as the Government falls short of paying the railways that proportion of a lawful revenue, it must require the shippers of the country to supply the deficit; and in just so much as the Government overpays the railways, in just so much are the private shippers of the country relieved of a burden which they ought to bear, or which the commerce of the country ought to bear.

I do not intend to dwell at any considerable length upon the constitutional aspect of the case, although the whole House bill is founded upon the assumption that, if the Government desired to do it, it could compel the railways of the country to carry the mails for nothing; and, indeed, if there is not to be a fair compensation paid, fixed in some judicious and satisfactory way, I would vastly rather see the railways compelled to render the entire service without any compensation at all, and distribute the burden among the people of the country who have occasion to use the railways for commercial or business purposes.

But I am unalterably opposed to the whole theory. The railway companies of this country are under no obligation to carry the mails other than the obligation which arises out of their function as common carriers, out of the power and authority of Congress to declare their railways post roads; and the Government of the United States can no more require a railway to carry the mails for less than adequate compensation than can Congress require the railways to render service to a private shipper for less than a fair and reasonable compensation. There is no other relation than that; and the inevitable consequence of the view taken by some of the advocates of the House provision will be in the end to give the railways of this country vastly more than fair compensation. I have been impressed with the conclusion that they are getting more now than they ought to have, although the compensation is not either fairly or decently distributed among the several common carriers. In my judgment—although it is not one upon which I would be willing to act as a legislator—some of the railway companies receive more than they ought to receive and some of them are receiving far less than fair compensation.

But my real objection to the view taken by the Postmaster General—and that is, in a way, found in all the provisions of the House bill—is this: The carriers of this country are now being regulated along perfectly well-known lines. Our experiment in controlling the rates of the railways of this country has advanced to a point where the rules which determine the adjustment are well known, however difficult they may be of application.

I am not prepared to abandon the experiment. I believe it is successful—as successful as we find any other effort in dealing with a most complicated and difficult system. The rule is this, as now well understood everywhere: That a railway is entitled to rates that will reimburse it for maintenance and operation, preserving the property in the same condition or in as good condition as when the service began. It is entitled to its fixed charges, its taxes, its assessments—everything that the law imposes upon the property and that must be paid. It is entitled, then, to a surplus—there may be a little difference about the extent of the surplus—a surplus that may be applied to reasonable dividends upon its stock and that will also accumulate a fair sum to tide over an unfortunate or unsatisfactory year. Whenever the Interstate Commerce Commission comes to ascertain whether or not a given rate or system of rates is fair and reasonable, that is the rule to be applied—now conceded by everybody.

With regard to this matter, the railways which carry the mail must have that revenue. They ought not to have more, but

they must have enough to satisfy these lawful demands; and whatever the Government does not pay for the transportation of the mails the people of the country must pay. If we adopt a system under which the railways are underpaid, the railways are not ultimately injured. They do not sacrifice anything. They simply have credit in the grand accounting made by the Interstate Commerce Commission, or, to put it on the other side of the ledger, they are charged with what they receive from the Government, and the general public must make up whatever is required to enable them to pay the cost of maintenance and operation, their fixed charges, and fair return upon the value of the property.

Is it not perfectly obvious that the tribunal which is to make that accounting, which is to determine and which does determine from year to year, from time to time, what shall be the rates to be paid by the commodities which are transported from day to day, the tribunal which must ultimately say whether the rates on these articles are adequate or not, should also have the authority to say what the Government shall pay for the transportation of its mails? I repeat that I have been inclined to think that the Government pays too much; but it may not be so. I am not competent to judge. But it is in the highest degree illogical and absurd to say that the Postmaster General shall determine what the Government shall pay for the transportation of the mails, and then allow the Interstate Commerce Commission to make up what is required for the purposes I have described by increasing the rates upon the ordinary commerce of the land.

I see that the Senator from New Jersey [Mr. MARTINE] is giving me his attention; and I want to say to him again that the question I am discussing does not involve the space basis or the weight basis. I do not care which basis the Interstate Commerce Commission adopts. I want it to adopt whichever basis it finds most accurate or convenient in order to arrive at a just conclusion with respect to what fair compensation shall be. But I do most earnestly insist that the same tribunal which fixes the rates for the great public shall fix the rates for that public organized in a Government.

We disparage the Interstate Commerce Commission; it is a distinct reflection upon its capacity to withhold from it the power to do for our country in a collective capacity what we give it authority to do for us in an individual capacity.

Why is the Government of the United States entitled to more consideration than the farmer, who must appeal to the commission to ascertain at what rate his grain shall be shipped from his fields to a market? There is no reason, and it would relieve the whole question of the uncertainties which have surrounded it now for more than 30 years.

It is manifest, Mr. President, that the compensation for the Government service must be determined in one of the following ways:

First. By the railways. We can not adopt this view. I do not even want to give the railways the right which they now have, with regard to the general public, of fixing rates in the first instance. Everybody knows that when the amendments to the interstate commerce law in 1910 were being debated, I urged, with all the power I had, the policy of giving to the Interstate Commerce Commission the authority to initiate rates. I think it ought to initiate all the rates of the country. We never will have a harmonious, well-adjusted, fair system until the commission shall take up the question as it concerns all the railways of the country and all the traffic of the country and establishes rate sheets of its own. I do not believe in the present policy of authorizing the railroad companies to initiate rates, giving to the Interstate Commerce Commission only the authority to suspend them and to enter upon a hearing that may finally result in either reducing them or raising them; and I apply precisely the same principle to the railway-mail pay. This tribunal should determine the question in a proceeding—not a hearing, but a proceeding—begun by the Postmaster General, in which he shall set forth the service which he desires, the conditions under which it is to be rendered, and what he believes to be a reasonable compensation for it, answered by the railway companies, thus making an issue, an adversary proceeding, that can go forward to final conclusion with just as much certainty as can any proceeding that is brought at the present time by individuals or associations.

Second. By the Post Office Department. This would be unwise, for the interest of the Postmaster General is too direct and immediate. It would be the equivalent of permitting the purchaser to fix the price of the thing he buys. I do not believe in it. I have no word of criticism upon the Post Office Department; certainly none upon the present Postmaster General. I am quite ready to grant that he is an able, energetic man. He is dreaming of just one thing, I assume, or one thing and a

correlated thing—of rendering good service to the people of this country and requiring the railroad companies to render their service for the smallest possible amount. I do not think he cares whether it is compensatory or not, any more than I would care, if I were a private shipper, whether a rate I could obtain was compensatory or not. There are certain considerations which always rise above or fall below—I do not care which—these ethical rules. No man is a good judge in his own case. No man may be expected to render a just decision if his own interest or welfare is inseparably connected with the outcome.

I therefore am not willing to trust the Postmaster General with the power to fix rates, nor do I believe that any Senator ought to be willing to intrust him with that power, for there is no correction of his judgment; there is no recourse to the courts; nor can any railway company venture to disobey his order, for the penalty is a fine of \$5,000 each day, imposed by the Postmaster General himself.

Mr. BRANDEGEE. Mr. President—

Mr. CUMMINS. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Is there any more reason, in principle, why the Government should insist by legislation that the Postmaster General shall fix the amount that the Government shall pay for carrying the mails than for Congress to insist that the Secretary of War shall fix the charges for transporting the Army and all the munitions for the Army?

Mr. CUMMINS. None whatever. It is precisely the same thing. Of course, there are some railroads which, by virtue of their incorporation, are under a contractual obligation to the Government to do certain things at a certain price, or at a reduction below a common or given rate, but it would be just as fair to say that every railroad in the country should carry anything for the Government in any way, it matters not whether it is carried in a freight car or a passenger car, and that the particular officer of the Government interested in it should fix the compensation.

Mr. BRANDEGEE. Materials for all the public buildings, for instance.

Mr. CUMMINS. Precisely.

The third function or department of the Government that might fix the rate is Congress.

I do not believe that Congress is competent to do it, simply because it is a life study. It requires the training of years; and in this particular instance a just compensation for carrying the mails involves the inquiry as to just compensation for carrying all other commodities, for the aggregate revenue must accomplish a certain object, and it is utterly impossible to fix one without reference to the other. For instance, take the passenger rate. Mails are carried on passenger trains, ordinarily; and there has been an effort made to compare the compensation to be paid for carrying mails with the compensation received by the railways for carrying passengers. I think there is a fair basis for that comparison. It is not perfect. The parallel is not exact, but there is a fair basis for it. But suppose that the Interstate Commerce Commission believed that the passenger fare was too high or too low, as the case might be. If we are to adjust railway-mail pay upon the earnings from that source, then the power that fixes the mail pay must have the power also to fix the passenger fare.

Senators will remember that the Interstate Commerce Commission, in deciding the famous Advance-Rate case, suggested, and in fact afterwards held, that some passenger rates were too low, and the Interstate Commerce Commission has increased certain passenger rates. I know of a case in which it has divided a State into three or four parts and allowed a certain passenger fare in one part and a certain different passenger fare in another. It is obvious—I only mention these things to show—that Congress can not fairly and intelligently determine what ought to be paid. It may be that of the grand aggregate revenue we ought not to pay more than fifty millions, instead of sixty. It may be that we ought to pay seventy, instead of sixty, in order to relieve those who are now bearing more than their share of the tax that we ordinarily know as railroad rates.

Fourth—and it is the only other resort—is the Interstate Commerce Commission. It is organized for the very purpose of ascertaining what is a reasonable compensation for the services of common carriers. In a high degree it acts judicially. It is equipped with all the facilities for making such investigation. Its jurisdiction would be complete, and it could raise or lower rates on commodities of commerce, and thus establish true relations between the various services.

The fitness of the commission to deal with the subject is recognized by both the House and the Senate committee. The House proposes a reference, under certain circumstances, to the Interstate Commerce Commission, the report of the commission

to be simply advisory to the Postmaster General. The Senate committee amendment proposes a reference to the Interstate Commerce Commission, its report to be simply advisory to Congress. I invoke the provisions in both instances as showing that the Interstate Commerce Commission is the body to which men look for the ascertainment and the establishment of railway rates.

The only objection which can be urged to the amendment I have proposed is that the Interstate Commerce Commission is already overworked. I grant that we have already imposed upon the commission more labor than its members can well perform; but the way in which to remove that objection is not to deny the commission its just authority. It is not to withhold from it a power which it can exercise vastly better than can any other body in the country. It is either to take from it some of the work which we have imposed upon it, and which we ought not to have imposed upon it, or to enlarge the commission so that it can adequately perform its full duty.

I sincerely hope that this obstacle, which is temporary in its character, can be removed. It must not be enduring, or the commission will fail to perform the great functions which the people expect it to perform. With the removal of that objection, I appeal to Senators that if we want to do justice, as I am sure we do; if we desire to pay for the transportation of our mails a fair compensation, neither more nor less; if we want to remove from the Halls of Congress a vexatious controversy which has now raged for nearly 40 years, we ought to clothe the Interstate Commerce Commission with the power I have suggested by passing the amendment I have proposed.

Mr. SMITH of Georgia. Before the Senator takes his seat I should like to ask him if he does not think there are other features of the Senate committee amendment that ought also to be amended? There seems to be a provision for reweighing to be had on those lines where the railroads wish it, and not a reweighing on those lines where the railroads do not ask it. I favor letting the Interstate Commerce Commission pass upon these rates. We do not know what they ought to be. We can not learn unless we stop acting as Senators and spend a few years in studying the question. The Interstate Commerce Commission has been selected to consider such questions and have employed an able body of men, the ablest men, whose whole time is given to studying rates. What we wish is to pay the railroads a reasonable and fair compensation, no more and no less, but there seem to be limitations in the amendment of the Senate committee as to the mode of weighing and other things of that kind.

Mr. CUMMINS. I have not brought those things to the attention of the Senate because my amendment does not embrace those subjects. They are open, of course, to amendment. I have not considered the question of adjustment suggested by the Senator from Georgia with sufficient care to have a final opinion upon it worthy of being expressed, but after the adoption of my amendment all such questions are open to the Senate for consideration.

Mr. THOMAS. Mr. President, I am greatly impressed with the Senator's presentation of the reasons upon which his amendment is based, and particularly with the necessity of the adjustment or settlement of this difficult problem by those who are presumably better qualified to do it than any others. The subject is altogether too complicated and too difficult for a layman to properly determine, and, like a great many other subjects which come before us for final determination, we must, if we would do our duty properly, secure the best possible assistance from the best possible sources.

I have read, not perhaps as carefully as I should have done, but I have read with some care, the testimony which has been submitted by some of the various investigating committees which have had the responsibility of inquiring into and reaching a conclusion concerning the basis of railway mail pay and the rate of such pay after the basis has been determined. While I have some opinions upon the subject, they are not sufficiently grounded upon a knowledge of all the facts of the situation to justify me in presenting them as a basis of the vote that I might cast upon this question unless, of course, it becomes necessary to do it as a part of the discharge of my duties as a Senator.

When we consider that running through a number of years several successive bodies and officials have given their best investigation and thought to the subject, have made reports upon the subject which have not been entirely uniform, and that perhaps the majority of the Members of this body have not had the time or the inclination to read the reports, to say nothing of the testimony upon which they are based; and when we have a commission charged with the duty of regulating and

passing upon railway matters of which this is one, it seems to me that the amendment offered by the Senator from Iowa furnishes the best if not the only solution of the problem.

I offered an amendment this morning, somewhat crude in its character, because it was drawn hastily, the object of which was to make the action of the Interstate Commerce Commission conclusive when it had been reached, so that after the investigations, hearings, and all other matters that are necessary to reach a conclusion we should not take the time and subject the problem to the delay consequent upon a reconsideration of the matter by still keeping it an open subject of legislation. In other words, when the body to which this question is referred has passed judgment upon it that judgment should be a finality, so far as we are concerned, and we should then legislate with the light given us by that conclusion. Otherwise it would be a meaningless farce, it seems to me, to delegate to the Interstate Commerce Commission the duty of telling us what a fair method of railway mail pay consists of and then, instead of accepting it, open it for discussion.

I have been told by those who are in favor of the space system that one of the reasons why the railways are anxious to have the question relegated to the Interstate Commerce Commission is the delay which will result from resorting to that method of disposing of it, since after the report shall have been made to Congress the question will be as open and as undetermined as before, and that we can then consider whether the report is based upon specific testimony, whether its conclusions are logical, or whether it is in other respects open to still further consideration before we shall accept it either in part or in its entirety. I can see some force to that. If it be true—and I am neither affirming nor denying it—that the railways of the country are anxious to continue the present system of compensation, then certainly the longer that system can remain in force the better off they will be from their own standpoint.

Mr. MARTINE of New Jersey. They are a unit.

Mr. THOMAS. The Senator says they are a unit in opinion. I do not dispute that proposition; but if that be true, then after the Interstate Commerce Commission shall have told us what in its judgment is our best method of procedure, if we do not accept it the question is still as open as it ever was, and the old system, which my friend the Senator from New Jersey says is entirely and unanimously acceptable to the railway companies, will continue.

Therefore, as an evidence of earnestness of intention upon our part, I drew the amendment which was presented this afternoon to the consideration of the Senate, and which provides that the action of the Interstate Commerce Commission when made shall be final so far as legislation is concerned on the subject. But the amendment of the Senator from Iowa which he has presented here at considerable length accomplishes in a much better way, I think, the same end, since the Interstate Commerce Commission is endowed, according to my understanding of the law, with the power to consider the question of rates at any time their fairness is challenged after they have been fixed by legislation here.

Mr. POMERENE. The Senator certainly does not mean by saying that this rate will be final when it is fixed that Congress could not change it and adopt some different rule?

Mr. THOMAS. No. If we attempted to do that it would not, of course, bind our successors. I think it should be understood and emphasized by some expression in the law that our purpose in submitting this matter to the Interstate Commerce Commission is to secure their best conclusions after a full hearing, and then act upon it instead of receiving it and considering it as a subject of future debate and discussion.

Mr. SMITH of Georgia. As I understand the Senator his proposition is that when they find a rate it will go into effect without further legislation.

Mr. THOMAS. That is the result of the amendment of the Senator from Iowa, which makes it superior to the one which I offered. That is one of the aspects of his amendment which I think is better than my own. The railroads should not complain of that method, because they are insisting, according to the statements of members of the committee, upon the Senate committee's substitute for the House provision. If they are sincere in their belief—and I am not questioning it—that the best method of a final determination of the dispute between them and the department is the Interstate Commerce Commission, they certainly can not complain if we insist that when that decision is ascertained it shall be acted upon and that it shall not be a subject of future controversy.

I shall for the present withdraw the amendment which I offered in view of the amendment of the Senator from Iowa and the argument he has made upon it.

Mr. STONE. Mr. President, I rise more to get information than to debate the question. I have the amendment offered by the Senator from Iowa in my hand. It begins this way:

All common carriers are hereby required to transport such mail matter as may be offered for transportation by the United States in the manner, under the conditions and with the service prescribed by the Postmaster General, and shall be entitled to receive fair and reasonable compensation for such transportation and for the service connected therewith.

Then it proceeds to say that the Interstate Commerce Commission is empowered to fix rates, and so forth, of common carriers. We have intrastate common carriers and interstate common carriers. We have a stage line from Jefferson City to Tusculumbia. It carries mail a distance of 25 or 30 miles between the capital of my State and the seat of the adjoining county. Is it the intention to have the Interstate Commerce Commission deal with that?

Mr. CUMMINS. If the Senator from Missouri is asking me a question to be answered now, it is my intention. This amendment is not based on or does not invoke the power of Congress under its authority to regulate commerce among the States. It invokes a power that is just as applicable to an intrastate carrier as an interstate carrier. There is no difference in that respect. Of course, the Interstate Commerce Commission is selected as the tribunal, because it is now authorized and empowered to fix rates in common among the States, and therefore it seems to be the fittest body of men to exercise this power.

Mr. STONE. At present the carrying of the mail from Jefferson City to Tusculumbia is let by contract. There are bidders, and the lowest responsible bidder entering into bond is awarded the contract.

Mr. HARDWICK. If the Senator from Missouri will allow me—

Mr. STONE. I should like to know whether it is the purpose of this amendment to have the Interstate Commerce Commission add to all its burdens, already very great, the task of arranging the rate to be fixed for transporting mail over this vast country on routes such as I have indicated.

Mr. CUMMINS. May I answer the question from the standpoint of my amendment.

Mr. STONE. I yield to anyone who can answer it.

Mr. CUMMINS. No; I can answer it from the standpoint of my amendment.

Mr. STONE. It is the Senator's amendment, and I am addressing myself to his amendment.

Mr. CUMMINS. If the Postmaster General wants the common carrier between the two points mentioned by the Senator from Missouri to carry the mail, this amendment will apply to him or to it, and the rate for doing it will be fixed by the Interstate Commerce Commission. If the Postmaster General wants to contract to carry the mail, and have the mail carried by some other than a common carrier, it does not prevent the Postmaster General from doing just what he does now in certain instances.

Mr. STONE. Then I understand that a private citizen might underbid the stage line, which is a common carrier between these points, and take the contract. But that still does not answer the question I have in mind or the difficulty that confronts me. There are a great number of common carriers—stage lines, for example—scattered over this country, carrying passengers and express and all that from one point to another. I imagine they amount to thousands in the aggregate. I wonder if it is the intention of this amendment to have the Interstate Commerce Commission make a schedule or a list of all the multitude of common carriers between towns and communities in our several States and fix a rate for all of them.

Mr. BANKHEAD rose.

Mr. STONE. I yield to the Senator from Alabama.

Mr. BANKHEAD. Mr. President, I do not think the Committee on Post Offices and Post Roads, which framed the original proposition, ever dreamed for a moment—I do not think the idea ever entered the mind of a single member of that committee—that it would apply to anything except railroads, in one form or another.

Mr. STONE. Well, I am speaking to this amendment.

Mr. BANKHEAD. If the language of this amendment can be fairly construed to mean what the Senator from Missouri seems to think it does, then I think the author of the amendment would be very glad to change the language so that it could not properly have a construction like that put upon it.

The mail carriers referred to by the Senator from Missouri are on what are known as star routes. Whenever such service is desired an advertisement is published, and there are sent to the department sealed bids for carrying the mails—daily mails, triweekly mails, or whatever the advertisement may call for.

A contract is awarded, usually to the lowest responsible bidder, who is required, of course, to give a bond. That is the regulation.

So far as the class of mail referred to by the Senator from Missouri is concerned, I do not quite see how this amendment can be construed as applicable to conditions like that. I do not think it would be quite possible for the Interstate Commerce Commission, as suggested by the Senator from Missouri, to go out all over the country and provide regulations and conditions upon which the mail on these star routes should be carried. I do not think the Senator from Iowa [Mr. CUMMINS] intended that that should be the construction.

Mr. CUMMINS. It is entirely with the Postmaster General.

Mr. BANKHEAD. That is what I think.

Mr. STONE. No; it is not with the Postmaster General, begging pardon of my friend.

Mr. CUMMINS. If the Senator from Missouri is not willing to trust the Postmaster General, I do not know whom he can trust.

Mr. STONE. I beg the pardon of my friend. I am engaging in a debate here that I am very poorly prepared to carry on, for I have just read the provision, and am merely speaking about some things that flash on my thought as I go along. If this provision is added to the bill, whether by the consent of the committee or of the Senate or of Congress, it seems to me that when you say, "All common carriers are hereby required," and so forth, it is not confined to railroads, unless railroads are specified. I am simply suggesting this thought to the Senate.

Mr. CUMMINS. I want to have a full understanding with the Senator from Missouri about that. It is not confined to railroads by its present language; but the first paragraph says that the common carriers must carry the mails if they are offered, making that a general duty. If, however, the Postmaster General wants to hire somebody else to carry the mails, he has a perfect right to do so.

Mr. STONE. To be sure, he can on the star routes.

Mr. CUMMINS. Yes; certainly he can do so, just as he does now.

Mr. STONE. Conceding that that be true, still, so far as the stage carriers are concerned, the Interstate Commerce Commission must fix the rate at which they must carry, and if A or B wishes to underbid that rate and will give bond to carry the mail he can do so. I understand that; but the point I wished to submit to the Senate for its consideration was whether we thought it advisable to put the task upon the Interstate Commerce Commission of fixing the rate at which the mails shall be carried across the country by local common carriers—not railroads, but all kinds of common carriers of purely local character. I do not know; it may be all right; but it merely struck me, and I wanted to lay that thought before the Senate, that it is designed to impose a very heavy burden upon a very important commission, which seems to me to have all it can well do now in serving the public interests.

There is another consideration to which I desire to call attention and then I shall be through. To turn this matter over to the Interstate Commerce Commission in the manner proposed would be in effect to take from the Postmaster General the duty, the power, the right to make contracts for carrying the mails on railroads or otherwise. We take from one of the great departments of the Government a very important duty which it has exercised from time immemorial; we strip it of that power and confer it upon a commission.

I do not know why that should be done. I do not know that the Interstate Commerce Commission is any better qualified to say what should be charged by a railroad or by any other common carrier for transporting mail from one place to another than is the Post Office Department. That department has had long experience in this business. There have been ups and downs in respect to the administration of that power; but this amendment proposes to take this great administrative power, exercised so long, and, in the main, through the years, I think well exercised, from the Post Office Department, and to turn it over to a commission that has known nothing of it hitherto. It can educate itself in the course of time; it can go into the study of it—a study that has already been made by the Post Office Department for years and years.

Conditions change with time. As time goes along what ought to be charged to-day might not be a proper rate 10 years hence. Our experience in the past has been that rates have been changed from one period to another.

If we are going to take this function away from the department that deals with the subject and turn it over to a commission which was created to deal with something else in the main, then I submit to my friend from Iowa if this is a thought that

appeals to him: The Interstate Commerce Commission fixes rates on interstate commerce. We have boards in our States that undertake to perform the same duty within the States for freights and passengers. I emphasize the words "to fix the rates for freights and passengers." Their activities apply to individuals; they prescribe what the individual shall pay to have his cargo transported or what he shall pay for personal transportation from one point to another. That is the business of these commissions, State and National; but here we are dealing with a different question, as I see it. The Government of the United States—and I will apply the same thing in intrastate matters to the governments of the States—has a great organization; it transports freights, mails, and passengers; and I ask if it ought not to be allowed on its own account to make its own contracts on a basis somewhat different from that which the Interstate Commerce Commission or the State commissions prescribe for individuals? It rather seems so to me.

This Government spends tens of millions of dollars for carrying its mails. Is the Government to be put upon the same plane in dealing with that great question as the Senator from Iowa or myself might be put in sending a carload of wheat or of ore or whatever it might be to market? The Government is sovereign; it is over all; it makes the laws; it creates the commissions; and it seems to me it ought to be given a little larger degree of liberty in view of all the circumstances, and should be afforded the opportunity of making even better terms with the transporters of commodities than are fixed by commissions for individuals who transport but little. That is all I have to say.

Mr. BRANDEGEE. Mr. President, with relation to the comment of the Senator from Missouri [Mr. STONE] as to the power of Congress to deal with an intrastate carrier, as distinguished from an interstate carrier, it would seem to me that the provision of the House bill is at least subject to the same criticism, for that attempts to make no distinction whatever between interstate and intrastate carriers, but deals with all railroads.

Mr. CUMMINS. Mr. President, I do not believe that many of the difficulties presented by the Senator from Missouri [Mr. STONE] would arise, yet I have no desire that the little stage routes of the country should come within the provisions of my amendment. So I ask to insert in the first line of my amendment, after the word "All," the word "railway," so that it will read "All railway common carriers." I suppose I may do that by unanimous consent.

The VICE PRESIDENT. The Senator has a right to modify his amendment. The question is on the amendment of the Senator from Iowa, as modified, to the amendment reported by the committee.

Mr. CUMMINS. I think there was an understanding that there was not to be a vote on the amendment to-night.

Mr. BANKHEAD. If we have reached the point of voting on the amendment of the Senator from Iowa, under an agreement reached, I am going to ask the Senate to adjourn until to-morrow at 12 o'clock, and I make that motion.

Mr. POMERENE. Does the Senator move that the Senate adjourn or take a recess?

Mr. BANKHEAD. We can not take a recess, because exercises have already been arranged for to-morrow after the conclusion of the morning business.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 5863) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa.

The message also requested the Senate to return to the House the bill (H. R. 15282) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa.

#### CHARLES H. BINGHAM.

The VICE PRESIDENT laid before the Senate the request of the House of Representatives for the return of the bill (H. R. 15282) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa., and, without objection, the order was complied with.

#### LIGHTHOUSE AT SCITUATE, MASS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5910)

authorizing the sale of the lighthouse reservation at Scituate, Mass., which were, on page 1, line 4, after "sell," to insert "and convey"; on page 1, line 14, after "sixteen," to strike out all down to and including "fifty-nine" on page 2, line 2, and insert "pages 182 and 183."

Mr. LODGE. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

#### PETITIONS AND MEMORIALS.

Mr. DILLINGHAM presented memorials of sundry citizens of Jamaica and Stratton, in the State of Vermont, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. PHELAN presented a petition of the State Board of Dental Examiners of California, praying for an increase in armaments, which was ordered to lie on the table.

He also presented a petition of the Board of Supervisors of the County of Alameda, Cal., praying for Federal aid in the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

Mr. LODGE presented a memorial of the Friends of Irish Freedom, of Lynn, Mass., remonstrating against the execution of the leaders of the Irish revolt, which was referred to the Committee on Foreign Relations.

Mr. LANE presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NORRIS:

A bill (S. 6413) granting an increase of pension to Angelia T. Mosier; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 6414) to authorize mining for metalliferous minerals on Indian reservations; to the Committee on Indian Affairs.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. SAULSBURY submitted an amendment proposing to appropriate \$2,500 to enable the Secretary of Agriculture to ascertain and pay the damages due to George P. Frederick, of Newport, Del., resulting from disinfecting his premises by Government inspectors during the outbreak of the foot-and-mouth disease in 1914, etc., intended to be proposed by him to the Agriculture appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

He also submitted an amendment proposing to appropriate \$75,000 for experiments in breeding, maintenance, and purchase of horses of Arab breed for military purposes, etc., intended to be proposed by him to the Agriculture appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

Mr. NORRIS submitted an amendment providing that on and after July 1, 1916, upon all mail matter of the first class when deposited in any post office or branch post office for delivery within the limits of said post-office delivery district or on any star or rural free-delivery route emanating from said post office the rate of postage shall be 1 cent for each ounce or fraction thereof, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 10484), which was ordered to lie on the table and be printed.

Mr. CHAMBERLAIN submitted an amendment proposing to appropriate \$5,000,000 to establish and operate 10 Army aviation schools in locations to be determined by the Secretary of War to train aviators from the Regular Army and militia and civilian volunteers as reserves, etc., intended to be proposed by him to the Army appropriation bill (H. R. 16460), which was referred to the Committee on Military Affairs and ordered to be printed.

#### EASTERN SHORE TRANSPORTATION CO.

Mr. SMITH of Maryland submitted an amendment intended to be proposed by him to the bill (H. R. 15635) for the relief of the Eastern Shore Transportation Co., of Baltimore, Md., which was referred to the Committee on Claims and ordered to be printed.

Mr. BANKHEAD. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 37 minutes p. m., Wednesday, June 21, 1916) the Senate adjourned until to-morrow, Thursday, June 22, 1916, at 12 o'clock meridian.